AN ACT

To adopt the “Puerto Rico Education Reform Act,” in order to establish the new public policy of the Government of Puerto Rico on education; review and develop, through consensus, and critical and careful analysis and research, the new philosophical, psychological, and neuroscience framework that shall serve as the basis for the education system of Puerto Rico in order to address present and future needs of our society; reformulate the education system to place students at the center of education; draw up a budget based on the average per-pupil expenditure to guarantee uniform per student funding; establish Partnership Schools to provide students with access to broader academic offerings through specialized non-profit entities that allow for the strengthening of the curriculum and the teaching process, and for a more active role of communities, including parents, in the education of their children; establish the Regional Office of Education to decentralize services, have a more efficient structure that is more attuned to the needs of the school community, reduce costs, and eliminate redundancy; establish efficient assessment and accountability systems; establish a policy on the transparency of digital information of education processes; delegate to the Regional Superintendents and School Principals more powers and responsibilities to address academic and administrative matters, and evaluate the performance thereof through continuous accountability; acknowledge and afford greater participation to the third sector that allows it to directly and actively collaborate with the Department of Education in the teaching process; establish the School Choice Program as an additional alternative to promote equal access to quality education for the most vulnerable sectors of our society, and promote a subsidy provided directly to parents through grants; amend the definition of the term “Public Enterprise” of Section 1-104 of Act No. 447 of May 15, 1951, as amended; repeal Act No. 149-1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico”; repeal Act No. 71-1993, as amended, known as the “Educational Vouchers and Free Selection of Schools Act”; and for other related purposes.
STATEMENT OF MOTIVES

The fundamental right to an education transcends teaching and learning and affects equally important rights such as life, liberty and property. In addition, it provides human beings with skills that are essential for a better quality of life, as well as access to resources and job opportunities. Education is the cornerstone of our society and a vital element in the development of human beings as future citizens. Its goal is to provide students with the knowledge and necessary skills so that they may acquire the tools and the capabilities that shall allow them to meet the demands of a changing and ever-evolving world.

In modern economies, education has become one of the most important factors of national production. The societies that have advanced the most economically and socially have based their progress on both the knowledge transmitted through instruction and that which is generated through research, productivity, innovation, creativity, and economic competitiveness. Likewise, the social and cultural development of all nations are increasingly dependent on education, robust communications systems, and successful sciences programs, and technological innovation systems. Developing a modern, efficient, humanistic, and excellent public education system is critical for the Island to achieve sustainable development and, in turn, maximize the resources available today without compromising the progress of future generations.

Currently, Puerto Rico is undergoing one of the worst fiscal and economic crises in its history. This crisis was caused, in part, by the unwise policies of the past. This reality, coupled with the onslaught of hurricanes Irma and Maria, has caused a mass exodus of Puerto Rican families, mainly to the continental United States, and the flight of professionals seeking better work opportunities. Although the student population of the public education system has been decreasing for years, we have experienced a marked decrease in student enrollment in the past
months as the migration increases. This situation keeps reducing the availability of highly-skilled human capital on the Island.

Inevitably, socioeconomic factors have an impact on the students’ education and learning process. Falling behind and limited future job opportunities lead to student losing interest in education and dropping out of the Public Education System. This unfortunate situation is occurring within an economic and labor context in which existing and emerging industries are increasing education requirements and demanding creativity, teamwork skills, innovative ideas, and technological mastery from their employees. In a globalized world, it is critical to shape citizens in order for them to develop the necessary competencies. Distance learning allows students to learn about and interact with that unknown world, thereby making him a citizen without geographical limits.

According to the Puerto Rico Institute of Statistics, as of July 2017, the employment rate by educational attainment is the following: university degree, 54.9%; some college, no university degree, 5.2%; high school diploma, 29.6%; middle school, 1.5%, and elementary level, 1.7%; other degree or did not inform 2.5%. Education not only promotes an individual’s growth but also has a direct impact on economic development, because the best asset of any country is its human capital and its educated citizens.

In view of this scenario, we are duty bound to educate future generations of Puerto Ricans so that they become competent, sensible, and self-educated people; individuals committed to the common good; to keeping and defending the human principles and values every just and democratic society must promote. The human beings that are educated in the public education system must become humanists that feel empathy with the realities and needs of others and the communities where they live, work, grow, and become enterprising professionals capable of integrating themselves into a dynamic global economy. The goal is to develop sensible and
deep critical thinkers; selfless, resilient, steadfast, and genuine men and women of the state committed to the progress and sustainability of an Island that needs them. Achieving said goal requires a comprehensive vision that allows us to recognize and honor our past and our history deriving strength therefrom and seizing the opportunities that arise. This commitment must transcend the State. We must exchange and adopt ideas from all sectors of the Puerto Rican society, which play a key role in this transformation: parents, tutors, and custodians, third-sector nonprofit entities, businesspeople, private educational institutions, the faith-based organizations sector, the academia, higher education institutions, philanthropists, and entrepreneurs, in short, all components of the civil society.

In that sense, it is necessary to offer an innovative and effective education that promotes the interests and development of students. The Department of Education (hereinafter, the Department), as a State entity, has the duty and the obligation to foster excellence in the education provided in every school of the Public Education System of Puerto Rico. It is the duty of the Department and the different components thereof to offer the necessary tools to provide students with the knowledge, courses, and educational experiences that encourage them to finish high school and pursue a postsecondary education that enables them to join the workforce. Such motivation is strengthened through the creation of educational communities that promote learning innovation, thus enabling public school graduates to prospectively join the workforce and be productive individuals. The integration of technology into education for the development of the different modalities of distance learning programs (blended courses, online courses, and videoconferencing courses), allows students to be part of a society without borders.
Article II, Section 5 of the Constitution of Puerto Rico, provides that:

[e]very person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child non-educational services established by law for the protection or welfare of children. Compulsory attendance at elementary public schools to the extent permitted by the facilities of the Commonwealth, as herein provided, shall not be construed as applicable to those who receive elementary education in schools established under nongovernmental auspices.

Our Supreme Law regulates general aspects of our children’s education. “The education of children is not just any public purpose—it is one of the most important State functions and is constitutionally embodied in Sec. 5, Art. II,” Asoc. Maestros P.R. v. Srío. Educación, 137 D.P.R. 528, 601 (1994).

The public education system is the spearhead of Puerto Rico’s economic and social development. This exact system is the one responsible for educating and preparing the great majority of the children on the Island for the future. Certainly, improving the public education system has been, and still is, the greatest challenge of any government administration. Although the budget of the Department is larger than that of any other agency, we must admit that Puerto Rico’s public education is
not up to par with other jurisdictions nor meets the technology needs of the time. Likewise, what is even more concerning is that we have lost our sight of our main goal: children’s welfare.

Education is and has always been a core issue in any government platform. The Plan for Puerto Rico, a platform that was supported by the people in the November 2016 elections, is no exception. This Act is based on the commitment we made to the people and guarantees that education provided in Puerto Rico addresses the needs of an ever-evolving society that has been affected by emerging global elements and the devastating effects of hurricanes Irma and Maria, while maintaining and reinforcing ethics and values.

An education system of excellence must empower participants to develop innovative ideas, proposing alternatives and solutions for the situations faced by their communities and society in general. As a result, schools shall serve as conduits for developing ideas and feasible solutions that respond to the economic and social development of both the world and the Puerto Rico of today.

Act No. 149-1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico,” has been the cornerstone of Puerto Rico’s public education. It addresses administrative aspects related to the Department and our teachers, as well as the education policy in the classroom. However, although the spirit of said law was to grant autonomy to communities so they could be more involved in their children’s education, the lack of courage and parameters thwarted such efforts. With this Act, we seek to truly reform the education system of Puerto Rico.

The objective of this reform is to put the best interests of students above everything else, so that they may receive quality education that allows them to fully develop their skills and become successful adults who contribute to all aspects of our society. The purpose of this measure is to achieve the continuous
development of our people in this ever-changing world, preparing them to respond to the Island’s current reality in the face of great economic challenges and in the wake of hurricanes Irma and Maria. To achieve this, we have made fundamental changes to Puerto Rico’s education policy. We begin by establishing the framework that shall allow us to attain our goal, that is, to amend any legislation that impairs and opposes the fundamental changes that the times require.

Taking students as the standard bearers of the Department, all administrative, academic, and human resources affairs are refocused to give priority to the students’ right to education. Furthermore, for the purpose of offering high-performing schools and increasing the availability of quality human resources, it is necessary to consider several factors that must be designed with care, transparency, and competence at the Department’s central level. This process requires the implementation of an accountability system, ongoing communication with the general citizenry, and following up on the implementation of different changes at all levels of the system.

PHILOSOPHY OF PUERTO RICO’S EDUCATION SYSTEM

The education process must be based on rational thoughts that allow for the generation of accurate ideas regarding the human being’s essence and his connections to the universe that surrounds him. In the search for direction and meaning, said philosophical approach must promote sensibility towards others within a highly democratic methodology, which entails moving away from individualism. In view of this perspective, it is critical to build a philosophical model aimed at the construction of knowledge that is important for our alumni and guarantee their integration and adaptation to a pedagogical interaction process that integrates emergent technologies into the teaching strategies.
Every modern education system that is focused on the welfare of the population it serves and of society in general, is based on solid pedagogical foundations developed in its philosophy of education. Puerto Rico is not the exception and this Act seeks to develop the necessary elements to achieve said goal.

According to the Diccionario de la Real Academia Española, the term filosofía [philosophy] means “conjunto de saberes que busca establecer, de manera racional, los principios más generales que organizan y orienta en el conocimiento de la realidad, así como el sentido del obrar humano.” The term comes from the Greek philos and sophia, meaning the “love of wisdom”. The purpose of philosophy is the general understanding of human beings and their surrounding, seeking an explanation with regard to their purpose and nature.

Thus, the philosophy of education concerns the nature of man and the concept of life that, directly or indirectly, guide the educational development of every human being, and therefore, of society. As it is understood collectively, the philosophy of education is a set of conditions that establish the purposes that an educational system should seek.

In order to develop a philosophy of education that is consistent with history, culture, idiosyncrasy, heritage, influences, and trends, as well as the social and economic development of our Puerto Rico, local and international theorist and scholars in this field have developed important frames of reference that guide education systems to their ultimate goal... the student’s integral education. These frames of reference, in turn, stem from other principles, research, and theoretical frameworks. For such reason, every education system should base its educational development on a philosophy that gathers the most relevant frames of reference. The entire social, cultural, and economic development of this and future generations depend of this philosophy of education.
In addition to the Constitution of Puerto Rico, the philosophical framework upon which the education system of Puerto Rico shall also be based shall stem from the Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly in Paris on December 10, 1948, in Resolution 217 A (III), as a common standard of achievements for all peoples and all nations. Article 26 specifically establishes that:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Despite the enactment of legislation seeking to address the educational development of the Island, some of which presented valid statement on reforms and the philosophy of education, at present, the Department of Education of Puerto Rico has a general postulate regarding the philosophy of education that Puerto Rico needs, which reads:
Education is essential in the human beings’ liberation process. (Freire, Hostos). It is necessary to consider the term “liberation” within a framework that perceives human beings as being deeply rooted in their society and culture. Liberating human beings requires them to understand their interaction with their culture and the society in which they live; to acquire the various tools that their culture offers them; and to develop both the ability to be critical of their own culture and to have the imagination to create a space within society. [translation supplied]

The Department of Education of Puerto Rico is responsible for guaranteeing that all Puerto Ricans have access to a liberating, integral, and pertinent education that allows for their full realization in life. To achieve this purpose, schools must create ideal conditions that enable students to obtain the tools that society offers them for their development; address student diversity and offer different alternatives to help them develop their abilities to the fullest; support the social-emotional development of students and allow them to find or create their own space in society.

To guarantee the full and comprehensive development of our students it is also important to raise the standards of the teaching and learning process, promote excellence, and significantly narrow the academic achievement gaps. Thus, actions shall be taken to guarantee a quality education and learning process, responsibility and creativity to address the educational needs of our children and youths, and to provide the staff with the necessary resources to support their educational activities. A Vision and a Mission stem from this postulate. At present, the Vision and Mission of the Department read:
Puerto Rican schools must be an effective tool to build a just and democratic society, by fostering ethics, solidarity, and social conscience. Schools must be a dynamic unit of change capable of explicitly developing the attitudes, skills, and knowledge that provides students with the necessary competence and creativity to meet the challenges of the modern world. Education must address the varied needs and talents of students, by diversifying the offerings with creative learning and assessment alternatives, during both regular and extended school hours. We recognize the importance of developing knowledge and academic competence in harmony with the emotional and social development of students.

Its Mission is to guarantee a free nonsectarian education that develops the attitudes, skills, and knowledge of all students to prepare them to succeed in a global labor market, provides them with the necessary competence and creativity to meet the challenges of the modern world, and transform them into individuals who are independent, lifelong learners, law abiding, mindful of nature, and capable of contributing to the common good.

With the foregoing introduction, this Act creates the Puerto Rico Education Philosophy Study and Recommendation Commission (CERFE-PR, Spanish acronym). Given the pressing nature of the said Commission’s functions, it shall submit a critical reflective report, including recommendations for the philosophical, sociological, psychological, and neuroscience framework of the education system of Puerto Rico within ninety (90) days after the approval of this Act. In addition, CERFE, PR shall revise the current vision and mission postulates as well as the goals and objectives, and to make recommendations to adjust said postulates to the new reality of the education systems. The philosophy of
education, Vision and Mission, goals, and objectives shall be consistent with the state, federal, and international public policies and standards.

The results of this report shall become the public policy; thus, the theoretical basis of our System shall be permanent and continuous, without losing dynamism, adaptability, and the changes generated by emerging pedagogical approaches. The participation of all sectors is recommended, thus, this Act provides that CERFE-PR shall be composed of: executives and academics of the Department of Education of Puerto Rico and other internal resources as are necessary; representatives of teachers, school principals, and professional counselors, psychologists; representatives of teachers’ associations and unions; scholars (teaching staff and administrators) from the University of Puerto Rico and private universities of Puerto Rico; representatives of the economic sector and the public and private school community; expert advisors in the education and research fields and any other representatives of the civil society that should be called to partake in this intellectual exercise.

The creation of the CERFE-PR is suggested based on the fact that the reform shall be developed integrating the educational bases (theoretical and applied) that are inherent to its natural process: educating generations of children, youths, and adults. Each educational basis shall be reflected to some extent in the organization of the education system, especially in the curriculum and educational activities that envision students as lifelong learners with endless possibilities. These bases shall provide for the flexible and swift development required by the education curriculum at all levels, from Head Start, Pre-K, and including the postsecondary level. In addition, such bases shall have an impact on the organizational and structural design of schools and postsecondary institutions to be approved with this Act. Thus, we believe that:
• The sociological basis of education is a means to study, implement, and evaluate the interaction between the various components of society (home, community, school, groups in general) and education, public and private educational organizations, at both the preschool and postsecondary levels, and education in its important role as driver of positive social changes for the entire population.

• The philosophical basis is the means to reflect critically and constructively, analyze the different schools of philosophy, and the varied and important epistemic, axiological, and valuation propositions that justify the purpose of education in Puerto Rico’s modern society.

• The psychological basis is a means of critical reflection of the frame of reference to understand the processes that occur in the different settings where education professionals practice their profession. These processes include having knowledge of: education objectives and instructional design; student’s development, personality, and ability; learning process, learning, creativity, and motivation theories; teaching methods (selecting, organizing, motivating, explaining, and providing student learning efforts with a basis); social dynamics, that is, how to organize students to work together in groups; classroom management; evaluation of results and assessment, among many other aspects.

• The Neuroscience basis is a means that offers a different and updated vision of how a human being learns and the anatomical, physiological, and pharmacological aspects of the brain and how they affect the learning process. New research establishes the importance of conceptual and synaptic convergence of the five senses in the brain, that allow the development of conscious and unconscious mechanisms representation of information and, therefore, learning. With these findings, the terms neuroeducation and neurolearning have been coined to explain the aforementioned phenomena.
The philosophical, sociological, psychological, and neuroscientific bases of the Reform set forth in this Act shall be founded in the learning model upon which different approaches have been developed, some of which have been used and adopted by the current education system in its pedagogical practices, and that this Act intends to incorporate, expand upon, and validate. To wit:

First, the theory of connectivism developed by Siemens and Downes, states that learning in the post-digital age is influenced by factors such as: knowledge ecology, network nodes, and virtual spaces and environments. This approach stresses the importance and the impact that this manner of generating information has on an ever more interconnected global society. For connectivism, it is necessary that learners recognize and interpret patterns and are influenced by the diversity of networks, strength of ties and their context. Transfer occurs by connecting to and adding nodes and growing personal networks. It further provides that nurturing and maintaining connections is needed to facilitate continual learning.

Second, Cognitive-humanistic theories: students, regardless of their level of development, are complex beings who develop an understanding of relations between the elements they know and create cognitive combinations to retain said knowledge in an organized manner. The theorists whose ideas are most compatible with Puerto Rico’s environment are, among others:

- Eugenio María de Hostos (Puerto Rican): For Hostos, education should be harmonious and progressive, and the educator should always seek exercises that are suitable for the development of human abilities. Teachers assist nature, always applying exercises to an object, which is how it should be in the art of education. According to Hostos, the world that surrounds us stimulates the development of reason, and teaching should be adapted to the developmental stage of reason and to the proper objects of each stage. Education should always be based on previously
acquired knowledge, and observation is essential to our knowledge. He fought for children’s right to seek the truth for themselves, to eliminate rote learning, and for creative activities as the sole way of sparking cognitive interest. He also stressed the importance of scientific research based on intuiting to induce, inducing to deduce, and deducing to systemize.

- Paulo Freire (Brazilian): For Freire, education has to be liberating in order for human beings to discover and overcome themselves, as agents of their own historical destiny. Education is also a humanizing process where human beings rediscover themselves as citizens who are completely free, aware that they are agents of their own destiny, and makers of their history with the strength and capability to transform their social, financial, and political reality, making them fit to live an authentic and real participatory democracy where they have agency, not just a democracy in theory. There are various notable concepts in Freire’s liberating theory; however, the most notable concept was Freire’s proposal of a pedagogy of the oppressed as a form of hope, a means to achieve freedom, and as an education that embraces autonomy. He also expressed his opposition to the banking concept of education which is oppressive to human beings. Rote learning is emphasized in the banking model and students become “receptacles” where knowledge is “deposited.” A humanistic educator identifies with his students and guides them toward practices that liberate both the student and the educator, as Freire claimed.

- John Dewey (American): Dewey believed in learning-by-doing. Dewey contended that children did not arrive at school as blank slates upon which teachers might write the lessons of civilization. He stated that by the time the child entered the classroom he was “already intensely active, and the question of education is the question of taking hold of his activities, of giving them direction.” When children begin their formal education they bring with them four basic “native impulses”—
the “impulse to communicate, to construct, to inquire, and to express in finer form.” These are the “natural resources, the uninvested capital, upon the exercise of which depends the active growth of the child.” Children also bring their own interests and activities from home, and it is the task of the teacher to make use of this “raw material” by guiding their activities at school toward “valuable results.” The pedagogy of John Dewey calls upon teachers to perform the extremely difficult task of “reinstating into experience” the subject matter of the curriculum. This subject matter, like all human knowledge, was the product of man’s efforts to solve the problems that confronted him in experience, but, as a formal body of knowledge, it had been abstracted from the problematic situations where it had originally developed. Methodological innovations such as Problem-Based Learning (PBL), Active Learning, and creativity exercises are hallmarks of Dewey’s approach.

Third, the theory of Constructivism: Students construct their own knowledge through active social construction processes (connecting ideas and linking old experiences with new experiences, interacting with objects, inquiries, creative critical thinking) that connect previous knowledge to new knowledge. The theorists that better apply to our Puerto Rican environment are, among others:

- Jean Piaget (Swiss): According to his theory, knowledge is not a copy of reality, but rather something constructed by human beings themselves. We engage in these constructions every day and in every environment where we engage in different activities. This theory establishes that humans are active, rational, and competent beings that process the information obtained from their environment and interpret it according to what they already know, thereby creating new knowledge. It is centered on the individual and the prior experiences from which he constructs new knowledge. Knowledge is constructed by the student himself, and the student is the protagonist of the teaching-learning experience.
Education must encourage and drive the student’s cognitive development by promoting his moral and intellectual autonomy. The student is an active builder of his own knowledge and reframes his classroom experiences. Students must be seen as subjects who have some level of cognitive development and who have elaborated a series of interpretations or constructions on certain school subjects. It is essential to determine the cognitive development level of students from the beginning and to use such information as a basis, though insufficient, to organize curricular activities. Students must be helped to develop confidence in their own ideas, allowed to explore and develop such ideas by themselves, and encouraged to make their own decisions and to accept their mistakes as something constructive. Close interactions between students, and between the student and the teacher particularly, are important since the Piaget school of thought promotes cognitive and social-affective development. For Piaget, whether a student is good or bad at school sometimes depends on his adaptability to the school’s learning style.

- Lev Vygotsky (Russian): Vygotsky’s theory is primarily based on the social-cultural learning of each individual and, hence, on the environment wherein they develop. For Vygotsky, social context influences learning more than attitudes and beliefs, and has a profound influence on how one thinks and on what is thought. The social context is part of the development process and, as such, shapes the cognitive processes and must be taken into consideration at various levels. Vygotsky’s theory refers to how human beings bring with them a genetic code or “natural line of development” also called closed code, which is a learning function, whenever they interact with environment. His theory takes socio-cultural interactions into account. It cannot be said that humans develop in isolation, but rather from interactions in which mediators help the child develop his cognitive abilities. Vygotsky refers to the aforementioned as the Zone of Proximal Development (ZPD). The ZPD is the distance between what the child can do
unaided and what he can do with adult guidance. For Vygotsky, personalities are
developed and shaped during the teaching and learning process and such process
should take into consideration the following: Teaching should not be focused on
the development already achieved by the subject, but rather use it as a basis and be
focused on what the subject should achieve in the future as a result of this process;
to wit, turning the possibilities expressed in the ZPD into reality. The social
environment within which a person lives and develops is an essential element for
the organization and direction of the teaching and education process. The activities
a subject participates in while socially interacting with a group of individuals are
an essential element that has to be taken into account during such teaching and
education process. When speaking of the education process, we refer to the
different contexts in which it takes place. No attempt to promote education and the
development of children should diminish the utmost importance of the family, the
school, and the whole of society in the stimulation, education, and development of
children. Children are the only living beings who are unable to develop without the
help of an adult for a prolonged period of time. By contrast, children can be taught
despite this apparent inadaptability and, with the help and collaboration of others,
can become independent and autonomous individuals who contribute not only to
their own education, but also to all human endeavors.

- Albert Bandura: Albert Bandura also focuses his study on learning
processes in the interaction between the learner and the environment. However,
Bandura reminds us we must also take into account the other side of the coin of the
Theory of Social Learning: the cognitive factor. The apprentice is not a passive
subject who attends the ceremony of his learning dispassionately, but actively
participates in the process and even expects things from this stage of formation: he
has expectations. In a context of interpersonal learning we are able to foresee the
novel results of our actions (rightly or wrongly), and therefore we do not totally
depend on the conditioning, which is based on repetition. That is to say: we are capable of transforming our experiences into original acts in anticipation of a future situation that had never occurred before. The pinnacle of the social aspect is the vicarious learning highlighted by Bandura, in which an organism is capable of extracting lessons from the observation of what another does. Thus, we are able to learn by doing something that is hardly measurable in a laboratory: the observation (and attention) with which we follow someone’s adventures.

Fourth, new approaches to learning based on neurocognitive aspects. Neurocognitive learning is a synthesis of three different research trends: first, neurophysiology which focuses on the physiology of the brain and on neural activity; second, cognitive science with a focus on the processing of information and the internal representations of experience and, third, learning theories that explain accumulated interactions and how human beings adapt to their environment. As these trends complement each other and provide explanations for how human beings learn, our ability to understand and predict learning is improved. We are constantly learning because it is a process innate in humans. This process becomes more relevant when applied to school education. However, individuals have some difficulties when developing their competencies. At present, research on human behavior and habits, and on how the brain functions has provided some answers that have been implemented in the field of education. Breakthroughs in neuroscience have allowed us to discover the brain mechanisms that enable us to learn, remember, and store information permanently. Indeed, neuroscience applied to education could have a very positive outcome. There are two relevant factors in the learning process that must be considered, the first being the student’s mood or his predisposition towards learning new information; the second factor is the teaching method used, which is an essential element to teaching for it has a significant impact on the student’s predisposition to learn.
Emotions are at the core of the learning process. In other words, a pleasant experience leads to a greater acceptance of new information and, therefore, a more effective education. As a result, teaching must not be seen as the conveyance of ideas or the copying of knowledge, as if one were copying and pasting something in a new file. Teaching is an act that requires the understanding of others and analyzing what needs to be taught and what must be learned. It is, in turn, knowing how far you can push a brain that is constantly changing, and adapting to the various cognitive, environmental, and health needs, seeking efficiency and evolving at the same time. Therefore, the neuroscience approach shows new ways we can view students. This can lead to the application of new technologies to education, or to the development of talent in a more practical manner than grouping children according to the competencies they demonstrate on a test that fails to take into account a child’s potential beyond what he already is. To homogenize learning has been the goal of education, vis-à-vis the goal of neuroeducation, which is to understand that not everybody is suited for the same things. There is sufficient evidence that shows that using strong neural networks can strengthen weaker ones. The networks responsible for language, reading, writing, and mathematics only converge, but each one evolves differently. Hence, this opens the door to the possibility of creating new learning strategies based on what can actually be done, without having to explain why it is not possible, which eases the tension among students and stops being a struggle both for teachers and students.

Fifth, new research focuses on establishing a relation between the social and emotional components as being very important to the learning process. It is defined as the process in which human beings develop the skills, attitudes, and values necessary for social and emotional competence. This focus establishes a relation between the development of the ability to understand, manage, and express the
socio-emotional aspects that facilitate learning, building relationships, problem solving, adaptation to complex demands during development and growth, among others. It includes a self-awareness aimed at impulse control, collaborative work, empathy, emotional health, personal care, among others. Several theories are related to this topic, namely: Multiple Intelligences (Howard Gardner), Emotional Intelligence (Daniel Goldman[sic]), Values and Moral Education, Spiritual Education, among others.

For the Fundamentals of Education and learning theories to yield knowledge, it is necessary to create and implement a service structure that is coherent and consistent with this new education system. This Act introduces five pillars for the establishment of an optimal organizational structure geared at the full development of students.

THE FIVE PILLARS OF THE EDUCATIONAL SYSTEM
FOR COMPREHENSIVE STUDENT DEVELOPMENT

Historically, Puerto Rico’s education reform laws and legislation tend to place the student at the center of all teaching and learning processes. This Act is no exception. To achieve the integrated development of students, the five (5) essential pillars shall require essential resources and efforts for their development. The five (5) pillars are:

1. Teachers and academic leaders (teachers, principals, educational facilitators, regional superintendents, social workers, professional counselors, and psychologists, among others).

2. The educational culture (community; parents; collaborators; third sector).

3. The teaching method (constructivism, connectivism, cognitive-humanist, problem-based learning, learn-by-doing, and emphasis on Science, Technology, Engineering, the Arts, and Mathematics).
4. Learning centers (traditional and model schools, partnership schools, libraries, and information and technology resources).

5. Public policies (legislation; regulations; applicable standards).

**REGIONAL OFFICE OF EDUCATION**

Consistent with the foregoing, this Act promotes a more efficient and decentralized internal structure for the Department, while recognizing the merit principle as an essential element of the rights of public employees and adhering to Act No. 45-1998, as amended, known as the “Puerto Rico Public Service Labor Relation Act.” The lack of efficiency in our system is mainly the result of the lack of awareness at the central offices in San Juan of the particular needs of a school or educational region. Therefore, in the Plan for Puerto Rico, we made the commitment to promote a streamlined support system where the decisions shall be made as close to the area where they shall be implemented, as possible. See Plan for Puerto Rico, p. 106. Thus, we promote a strict public policy that empowers the educational regions through the creation of the Regional Offices of Education. This system consolidates the educational regions and districts into a single structure in order to achieve greater efficiency, reduce costs, eliminate redundancy, and provide a faster and more uniform response with regard to the needs of school communities as well as improve our education in general. This Regional Office shall have a more active role in the decision-making process and shall have greater responsibility over the educational and academic administration of a region’s elementary and secondary public schools. It is worth noting that Puerto Rico is the only jurisdiction in the United States that has not implemented the LEA model at a regional level. The establishment of the Regional Offices of Education is another commitment of the Plan for Puerto Rico that has honored. (p. 107).
The proximity between the Regional Office of Education and schools shall enable it to address the needs and particularities of the school communities they serve with greater diligence and efficiency. Likewise, the Regional Office of Education shall grant greater autonomy to the schools so they may implement the measures deemed pertinent to and appropriate for their students and the unique characteristics of their regional demographic, in accordance with the framework of this Act, the public policy of the Department, and the regulations promulgated by the Secretary.

Each Regional Office of Education shall be directed by a Regional Superintendent who shall answer directly to the Secretary and be responsible for the discharge of all the administrative and educational duties of said office. In addition, the Regional Superintendent shall be a skilled and bilingual professional with experience on and an educational background in Education, Administration, Supervision, and Management. The Regional Offices of Education shall further the professional development of the teaching staff, identify low-performing schools, and allocate the appropriate resources to enable them to become high-performing schools. The goal is to achieve educational equity, thus providing a quality and excellent education throughout the Island.

DELEGATION OF DUTIES, RECRUITMENT, EVALUATION, ACCOUNTABILITY, AND TRANSPARENCY

Furthermore, the responsibilities of school principals and teachers are clearly delegated so as to make them accountable for their duty to provide our children with quality education. Thus, for example, the School Principal shall answer directly to the Regional Superintendent and shall develop a modern, measurable, and rigorous School Plan to be used as the basis for his performance evaluation as well as that of the school and its students.
The School Principal shall also be responsible for the efficient and transparent administration of the budget allocated to the school, and the periodic evaluations of his staff. The School Principal is also responsible for the active involvement of the community in the school’s education process.

In addition, it is necessary to update the teacher and principal recruitment system in order for the Department to be able to recruit and retain the most qualified professionals, and develop the skills they need to perform their teaching duties with excellence and pertinence. It is of utmost importance to establish a strict employee performance evaluation process in order to promote, retain, grant tenure to, recognize, and incentivize employees who meet or exceed expectations, and to take appropriate and timely corrective actions against employees who consistently underperform or even to terminate these employees. That is, it is imperative to establish an accountability system to identify and correct deficiencies as quickly as possible.

In accordance with the foregoing, this Act provides for the establishment of an employee accountability and evaluation system that is more efficient and has clear and precise performance metrics. In doing so, we honor our commitment to ensure the continuous development of the teaching profession through a fair evaluation process (pp. 103 and 106, Plan for Puerto Rico). Furthermore, an annual school performance evaluation system is hereby established to allow for the implementation of improvement measures in a timely manner. The implementation of this system is crucial to guarantee that the student’s right to education is furthered effectively.

Complete transparency is promoted also with regard to information on the performance of all educational components. For such purposes, it is hereby provided for the establishment of a longitudinal system to disclose information electronically and in a clear, transparent, accessible, and interconnected manner,
among the seven (7) regions, which shall enable the clear and informed identification of those matters that shall be addressed with priority. The data gathered through the system shall be used to determine the priority with which matters should be addressed. The Secretary may also implement stringent measures to effectively oversee and audit the use of the funds allocated to each school in order to ensure the sound and transparent administration of the Department’s resources.

PARTNERSHIP SCHOOLS

Another innovation in this reform is the establishment of Partnership Schools that shall be public, free of charge, nonsectarian, and free from any type of discrimination. The creation of these schools shall afford parents and communities an opportunity to integrate into and take control of their children’s education, learning about their unique needs and those of the community. This initiative was included on page 103 of the Plan for Puerto Rico, thus providing for a system that offers options to parents and their children. It shall be stressed that this type of school has proved to be a fundamental component of the practices implemented in other jurisdictions, and that there is substantial evidence that attests to the effectiveness thereof. Therefore, a careful evaluation shall be made to show that their implementation shall inure to the benefit of our students and the whole school community.

Partnership schools shall broaden the educational offerings and opportunities for students. In turn, specialized nonprofit entities may administer schools in order to strengthen and enrich the curriculum and the student’s learning and teaching experience. In this sense, different programs shall be offered to address the educational needs of different sectors as well as the distinct abilities of students, thus allowing for a transformation of the school’s programming and the plans
offered to students, and even the educational, cultural, artistic, and teacher enrichment programs.

These schools shall promote bilingual education (English and Spanish) and establish as a priority an education focused on Science, Technology, Engineering, and Mathematics (STEM education), or on Science, Technology, Engineering, the Arts, and Mathematics (STEAM education). Moreover, the addition of these schools shall afford the Secretary of the Department more flexibility and effectiveness in promoting Certified Educational Entities that are focused on providing special education services, thus strengthening the offerings, and the services available for such an important sector of the student population. These schools shall be able to focus their educational services to a specific portion of the student population, such as for instance, elementary school and special education students, students with disciplinary issues as well as gifted students, thus establishing that special education students shall be not be segregated, regardless of the circumstances, except when the IEP so requires.

Partnership Schools as well as the Certified Educational Entities in charge of their administration shall be subject to the same evaluation and accountability standards of the Department to which all other public schools of Puerto Rico are subject. Furthermore, the Department shall supervise these schools through the Secretary to ensure strict compliance with this Act, state and federal laws, and the Charter.

SCHOOL COUNCIL

Consistent with the promotion of the regionalization of the education system, we introduce changes to the school councils to render their participation real and effective, thus satisfying the needs of the schools they represent. The Council shall be responsible for encouraging the participation of parents and the community in the school’s educational endeavor, and proposing measures that
promote sound coexistence, equality, and a peaceful conflict resolution, among others. Moreover, the School Council shall identify and establish partnerships with nonprofit organizations, the third sector, educational institutions, businesses, and agencies and instrumentalities of the State to provide extracurricular activities, health services, and educational and cultural activities, among others, after school hours.

SCHOOL FACILITIES

On its own, an optimal, clean, and organized infrastructure is not tantamount to excellence in education; however, its profound impact on the educational endeavor is undeniable. Schools must provide an optimal learning environment where the school community feels comfortable and safe from dangers to their physical integrity. Building deterioration is affected by factors such as: continuous use, severe weather, vandalism, maintenance frequency, and time. Many of the buildings of the public system were built over fifty (50) years ago and, therefore, require constant renovations in addition to their monthly maintenance. Moreover, amendments to infrastructure regulations and building codes require changes and modifications to school buildings in order to comply with such regulations. In addition, the electrical systems, cabling, and security systems must undergo some adjustments to install the technology systems required to develop the students’ technology skills within the context of the 21st century. At present, school maintenance and renovation works are handled by multiple agencies that are not under the control of the Department of Education, which results in scattered efforts and priorities. In order to manage the resources allocated to school infrastructure in a coordinated, efficient, and effective manner, this Act proposes that school grounds planning be consolidated and delegated to the Department for the establishment of uniform guidelines on management, security, and health as well as on the needs and priorities of school facilities.
BUDGET

To ensure that all students are afforded the same educational opportunities and that resources are invested equally among them to be able to fully develop and receive a quality education, a paradigmatic change is made to the budget formula of each school based on the average per-pupil expenditure and their unique needs. Consistent with the foregoing, a more efficient structure is established based on a decentralized education system that allocates not less than seventy percent (70%) of the Department’s budget to the teaching process in the classroom and any activities related thereto, thus making students a priority. This new budget system shall allow for resources to be focused on improving the education of all students and on promoting the integration of special education students into mainstream classrooms to fully develop and be afforded the same opportunities to enter the labor force.

REHABILITATION

It is hereby provided that the Department shall guarantee educational services to children and youths who are serving their sentences in a Juvenile Detention Center or Adult Correctional Facility for the purpose of having a positive impact on them by providing them with tools that allow for their reentry into society and become productive members thereof. In addition, a modern and educational online program under the Department of Education is hereby proposed so inmates may complete their studies and take Continuing Education courses while they serve their sentences.

THIRD SECTOR AND THE COMMUNITY

In accordance with the Plan for Puerto Rico, this Act recognizes the importance of the third sector in our society and the educational endeavor. For such purposes, the “Community Involvement Program” is hereby created attached to the Office of the Secretary of the Department in order to foster voluntary work,
collaboration agreements, and community involvement in curricular and extracurricular activities. The Department shall establish partnerships with nonprofit entities to allow these entities to offer services to students and their parents within the school premises during regular school hours and afterschool. This initiative shall assist in the intervention with at risk children and youths to increase positive peer pressure and encourage participation in extracurricular activities. Students shall be busy at a place where they can find recreation and be integrated into the community that includes their parents. For instance, schools gymnasiums may be used for sports leagues or music and art schools during afterschool hours. See, page 123 of the Plan for Puerto Rico.

This goes hand in hand with the starring role of education in the integrated transformation of our society. Schools play an important role in the development of communities that are vibrant, modern, and full of life by providing healthy and clean spaces for the integration of all citizens. The goal is for the community to work together as a healthy and sustainable ecosystem with a sense of belonging, in order to pave the way for the school to become a high-performance educational center through partnerships and collaboration agreements that promote excellence in the educational endeavor while allowing them to contribute to the wellbeing of the communities where the schools are located. In doing so, schools may be able to assist other government agencies in offering, expanding, and aligning their services to the communities while satisfying their unique needs and rendering the school community and its surroundings healthier and more stable.

**VOLUNTARY SCHOOL CHOICE PROGRAM**

Lastly, this Act establishes the Voluntary School Choice Program, whereby the issuance of vouchers is authorized in an amount equal to three percent (3%) of the number of students of the system to enable them to enroll in the public school of their choosing, or use the voucher to attend the private school they prefer. With
this new public policy, this administration reasserts that education and equal access thereto constitute compelling interests as well as a principle of social justice for the most vulnerable sectors of our society. This initiative is included on page 103 of the Plan for Puerto Rico, to provide for a system that offers options to parents and their children.

The Educational Vouchers and Free Selection of Schools Program was created by Act No. 71-1993. Such forefront legislation sought to establish, as an experiment, a school choice program in the Island to: 1) broaden the options provided to parents and students regarding school choice, enabling them to choose among public and private schools, or between public schools located inside and outside of the school region where they reside; 2) encourage talented students to further their intellectual capacity and enroll in college courses while still in high school; and 3) offer financial incentives to improve the course offerings in public schools. This initiative, however, was then invalidated by the Supreme Court of Puerto Rico on the grounds that the Program violated the Constitution of Puerto Rico.

The opinion of the majority of the Court in *Asoc. Maestros P.R. v. Srio Educación*, 137 D.P.R. 528, 601 (1994) “crushed the hopes of many of our country’s children who, having been born in poverty, do not have the same avenues to reach social equality and, of course, the hopes of their parents who saw in these scholarships a means to better educate their children and thus attain human and social vindication.” *Asoc. Maestros P.R. v. Srio Educación*, p. 605 (Dissenting opinion of Justice Negrón-García).

After more than two decades, the circumstances of the Island and of the most vulnerable sectors as a result of the serious economic situation of recent years and the damages caused by hurricanes Irma and María pose even greater challenges at all levels of the society, and even for education. Historical
circumstances of the Island have changed drastically over the past 25 years and, moreover, considering the devastation left in the aftermath of two hurricanes that recently swept through the area.

The legal reality within which the case of Asoc. Maestros P.R. v. Srio Educación, supra, was decided has also undergone major changes. The interpretation of the Establishment Clause of the Constitution of the United States has evolved over time in accordance with the demands of the 21st century. The Supreme Court of the United States, in Zelman v. Simmons-Harris, 536 U.S. 369 (2001), validated and upheld a state voucher program similar to the one established in this Act, regardless of claims that such program violates the Establishment Clause. Likewise, in Trinity Lutheran Church of Columbia, Inc. v. Comer, 582 U.S. ___ (2017), 137 S. Ct. 2012, the Supreme Court of the United States faced the controversy regarding the exclusion of a church from participating in a program which offers grants to qualifying nonprofit organizations that install playground surfaces made from recycled tires. On June 27, 2017, the Supreme Court of the United States held that Missouri’s Department of Natural Resources program’s policy violated the rights of Trinity Lutheran under the Free Exercise Clause of the First Amendment by denying the Church an otherwise available public benefit on account of its religious status. Moreover, as a result of Trinity Lutheran Church of Columbia, id, the Supreme Court of the United States granted a writ of certiorari and remanded, to the Colorado Supreme Court for further consideration, various cases that held unconstitutional a program that allowed students to receive scholarships to enroll in the school of their choice, whether public or private, on the grounds that it violated a prohibition provided for in the Colorado Constitution. See, Doyle, Florence v. Taxpayers for Public Ed., 582 U.S. ____ (2017); Douglas County School District v. Taxpayers for Public Ed., 582 U.S. ____ (2017); and Colorado State Board of Education v. Taxpayers for Public Ed., 582 U.S.
Likewise, in *New Mexico Association of Nonpublic School v. Moses*, 582 U.S. ____ (2017), the New Mexico Supreme Court held unconstitutional the inclusion of private schools in a textbook lending program, using as a basis the state’s constitution. Recently, the Supreme Court of the United States granted a writ of certiorari and remanded the case to the New Mexico Supreme Court.

In view of recent historical developments and the decisions of the Supreme Court of the United States, Puerto Rico should not delay addressing an issue that is critical for the wellbeing of children. It should be revisited upon careful evaluation of all the legal basis and local historical developments as well as recent case law at the federal level. For such reason, we are focused on providing additional alternatives to the participants of this program in order to provide parents with additional tools to select privately, independently, and at their own discretion the place where their children shall study.

Undoubtedly, access to education and to online educational information is our priority and a responsibility to the citizens. Through this Act, we make a commitment to offer: equal opportunities to high-quality education for all students, from preschool to postsecondary school, including children and youths in juvenile institutions and adult correctional facilities; a swift support system whereby decisions are made as close as possible to the environment where they are implemented, and are based on the analysis of data collected; an assessment system in tandem with accountability and the decentralization of the traditional system; a system wherein students and classrooms are the main goal; thus, all state resources allocated for education shall be aimed at such goal; a system that fosters greater involvement of all community members in the education process and the decisions that affect the school.
It is time to empower communities to provide quality public education attuned to the modern times. We must do away with the existing bureaucracy in the Department of Education and make students our priority by providing them with the tools needed to succeed in the future and to become agents of positive change for Puerto Rico. With this education reform we are providing the Puerto Rico education system with a new focus.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:**

**CHAPTER I: GENERAL PROVISIONS**

Section 1.01.- Title.

This Act shall be known as the “Puerto Rico Education Reform.”

Section 1.02.- Declaration of Public Policy.

a. The Constitution of Puerto Rico sets forth the right of every person to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Moreover, it directs the Government to establish a free and wholly non-sectarian Public Education System. Instruction shall be free in elementary and secondary school levels, that is, from kindergarten to twelfth grade. The academic curriculum, the school activities, and the administrative aspects of the department shall be governed specifically by this constitutional mandate. The budget, planning, rules, and regulations, as well as the recommended teaching strategies shall be directly geared, justified, and explained to achieve such purpose.

b. This Act establishes a decentralized Public Education System that offers students more educational options and guarantees an equitable allocation of resources.

c. Regional Offices of Education are hereby established to be composed of elementary, second unit, and secondary schools, and other organizations. Regional Offices of Education shall have administrative and academic duties and
responsibilities that allow them to manage the entire school operations. These regions are framed according to the vision and public policy set forth by the State under this Act and any other policy established by regulations at the central level that is consistent with this Act, in order to guarantee that all students in Puerto Rico have the opportunity to receive efficient and quality education that contributes to the development of their personalities and to their welfare as well as the welfare of their families and communities, and ultimately, Puerto Rico.

   d. The Public Education System is founded in the following tenets:

      1. Students are the only reason for the education system to exist and teachers are the main resources. Every regulation shall further this purpose and shall not hinder it in any manner whatsoever. The Secretary shall thus state in the regulations and circular letters.

      2. Students shall be the priority of the funds allocated to the Department of Education.

      3. Education’s general purpose is to develop the students’ maximum potential and ensure that they are prepared in STEM or STEAM disciplines upon their graduation to be able to compete in the global economy. Moreover, students shall be allowed to develop their personalities to the fullest and strengthen their appreciation for human rights.

      4. Students receive an integral education that fulfills their interests and ensures that their unique needs are satisfied. This includes ensuring their physical, emotional, and mental wellbeing.

      5. Teachers shall be trained professionals with proven and verifiable competency in the subjects they shall teach with excellence. The teacher certification issued by the Secretary is a guarantee to parents or guardians that such fact has been ascertained.
6. An education system of excellence requires the resources and staff to be truly committed and have a deep sense of social responsibility. The State shall be responsible to thus guarantee it to every student.

7. Schools shall develop strategies, uses, and customs geared to achieve the community’s involvement and commitment. Likewise, schools shall become involved in the community’s development by interacting with other State agencies and collaborating with them to satisfy the needs of the school and the community.

8. Achieving excellence in Puerto Rico’s education requires the involvement of all stakeholders. That is, any individual or group interested in helping a school succeed and achieve its goals, including, but not limited to municipalities, private businesses, educational and healthcare institutions, as well as third-sector, nonprofit, and faith-based organizations, among others.

9. The Department shall implement budgeting practices that allow for the sustainability thereof by keeping programs that have been proven effective.

10. The Department aspires to develop students who have an integrated, holistic, and sensible personality, and are committed to the common good and the skills and attitudes that allow them to contribute proactively to Puerto Rico and their community.

e. The educational endeavor of the school is to achieve the purposes set forth in the Constitution and this Act for the Public Education System of Puerto Rico. For such purposes, schools shall seek that students:

1. Develop the necessary skills to become the engine of Puerto Rico’s economic development. This includes enhancing academic achievement of STEM and STEAM, and also the financial knowledge, business and entrepreneurial skills, the strengthening of language skills, and the appreciation and valuation of the cooperative model.
2. Are empathic and sensible towards the realities and needs of others and the different sectors of the society, especially towards persons with special needs and marginalized sectors.

3. Have good command of oral and written communications in both Spanish and English to develop truly bilingual students; and learn other languages, which are deemed to be essential for the near future.

4. Are aware of the need to be physically fit and value life, by stressing the importance of taking care of your physical, mental, and emotional health.

5. Develop skills that allow them to adapt to the changes of the modern world and the new challenges that ensue, in order for students to become future professionals, business people, and entrepreneurs who are self-sufficient and able to support their families and contribute to the economic development of Puerto Rico and the global economy, while continuing to broaden their knowledge in all of these areas.

6. Develop the skills to perform trade and technical occupations that allow them to support themselves and their families, and contribute to the economy and development of the Island.

7. Have a positive and sound perspective of their identity in every aspect of their personality and show respect towards others.

8. The ability to deal with conflicts arising between their personal desires and those mandated by society through the application of their socio-emotional skills, communication, and mediation.

9. Develop independent judgment and thinking, and the ability to assume responsibilities and the consequences of their decisions so that any damages caused are repaired and the relations with the school community are restored.
10. Be aware of their rights and duties as citizens and be willing to exercise them by participating in the community’s decision-making.

11. Have a positive attitude with respect to productive efforts.

12. Have an empathic, reflective, and critical attitude towards the modern world that enables them to become citizens committed to the common good, equality, and justice, and an agent of positive change in the society where they live and work.

f. This Act conceives the community school as a dynamic and multidimensional entity. This Act delegates to the Secretary and empowers him to regulate the creation of school hubs capable of self-planning, self-developing, self-administering, and self-assessing; the authority to implement a curriculum established by the Secretary through regulations, and to carry out management functions therefor, is hereby delegated to schools. The limitations of the schools’ physical facilities shall be overcome by integrating the surrounding communities. Schools shall be able to adapt their offering to the needs of students; provided, that they formally seek a variation to the STEM or STEAM system, that is consistent with the public policy, and are able to promptly adapt to the changes prompted by the development of pedagogical knowledge and technologies. Moreover, schools shall serve as a space that provides afterschool alternatives to students, and serve the community as dynamic centers of multi-sectorial participation. For such purposes, schools shall foster the formation of partnerships with the third-sector and other civil society institutions. The limitations of schools’ physical facilities shall be overcome by integrating the surrounding communities. Schools shall be able to adapt their offering to the needs of students; provided, that they formally seek a variation to the STEM or STEAM system, that is consistent with the public policy, and are able to promptly adapt to the changes prompted by the development of pedagogical knowledge and technologies. Moreover, schools shall serve as a
space that provides afterschool alternatives to students, and serve the community as dynamic centers of multi-sectorial participation. For such purposes, schools shall foster the formation of partnerships with the third-sector and other civil society institutions.

g. All schools, including Partnership Schools, are part of the Public Education System of Puerto Rico; all schools shall be under the primary jurisdiction and administration of the Secretary and the Regional Offices of Education; and be governed by a general rule, provided for in this Act, which render the whole Public Education System uniform.

None of the provisions of this Act shall impair the authority conferred by the Constitution to the Secretary to direct public education in Puerto Rico. On the contrary, this Act reasserts his duty and responsibility to administer the Public Education System of Puerto Rico striking a better balance between powers and responsibilities.

The Secretary shall delegate more responsibilities to the Regional Offices of Education and the principals of community schools in terms of decision-making and execution. This delegation of responsibility must be established through regulations. Such regulations shall be submitted to the Legislative Assembly for approval. The Legislative Assembly shall have thirty (30) days to approve or reject the regulations. If the Legislative Assembly fails to act on said regulations after such term elapses, the regulations shall be deemed to be approved. The aforementioned Regulations shall be consistent with this Act and the principle of equity and budget allocation among schools, which includes federal funds to the extent allowed by law, without impairment to the possibility of any school to compete for federal funds outside of the general benefits thereof. The Secretary shall also establish a formula that guarantees the permanence of schools in isolated communities in Puerto Rico.
h. Special education must provide the students it serves with quality education that recognizes and satisfies their unique needs. For such purposes, the public education system shall facilitate the rendering of services without impairment thereto and making available the mechanisms that allow for an efficient and swift operation and administration. Furthermore, as part of the commitment to this population, the education system shall provide for the development of skills that allow special education students to live independently and join the workforce.

Section 1.03.- Definitions.

For purposes of this Act, the following terms shall have the meaning stated below:

1. Reasonable Accommodation: Any modification or adjustment to the educational or work process or environment that allows an individual with a disability to participate and perform in said environment.

2. Distance Education: An educational approach where instruction and learning take place while the student is physically separated from the teacher. This model may be carried out through online courses and technologies that facilitate instructional interactions.

3. Work-Based Learning (WBL): An educational strategy that provides students with the opportunity to apply and develop academic and technical skills by employing different models, including: career exploration and awareness, work experience, structured training, and workplace mentoring.

4. Autonomy: The authority granted to community schools to make decisions regarding their academic, fiscal, and administrative affairs within the limits set forth in this Act.
5. Authorizer: Means the Secretary of the Department of Education who shall: (i) certify and approve applicants as Certified Educational Entities; (ii) grant Charters to Certified Educational Entities to operate Partnership Schools; (iii) oversee and assume responsibility of Certified Educational Entities in connection with the operation and administration of Partnership Schools, as provided in this Act; and (iv) discharge any other duties and responsibilities established in this Act.

6. Charter: Means a formal and binding agreement entered into between the Secretary and an entity, whereby the latter is certified as a Certified Educational Entity and authorized to operate and administer a Partnership School under the terms specified therein.

7. Certificate: Means the financial aid certificate that the Department shall issue students to defray the costs of studying in a public or private school or in the university program of their parent’s choosing, as part of their genuine, independent, and private decision-making process, in accordance with the process prescribed by regulations for such purposes.

8. Community: Means the neighborhoods located within the area served by a school.

9. Advisory Committee of the Secretary: Shall refer to the Committee constituted by the five (5) directors of the schools of education of universities in Puerto Rico to be selected from among those who obtained the highest PCMAS pass rates each year; provided, that the campuses must be duly accredited.


11. Blended Courses: Courses that integrate distance and in-person activities that are aligned to the curriculum goals.
12. Video Conference Course: Courses that facilitate the teaching-learning process, and are either completely or partially interactive, two-way learning, and integrate the use of multimedia when the teacher and the student are not in the same place; it is established, however, that the student must be in the school premises.

13. Curriculum: The academic program or plan of a school or set of course topics or the subject thereof.

14. Department or Department of Education: Means the Department of Education of Puerto Rico.

15. Principal: A School Principal of the Puerto Rico Public Education System.

16. Teaching Process: The interaction between teachers and students in the classroom or any other place where lessons are taught.

17. Distance Learning: The teaching-learning process where the teacher and the students are not in the same place.

18. Special Education: Means specially designed instruction, at no cost, to meet the unique needs of a person with a disability, in a less restrictive environment.

19. Certified Educational Entity: Means a: (i) public entity such as a municipality, municipal consortium, or public university; (ii) a nonprofit nongovernmental organization; (iii) a partnership between one or more public entities and one or more nonprofit nongovernmental organizations, certified and authorized by the Secretary to operate and administer a Partnership School through the granting of a Charter; and (iv) nonprofit organizations created by parents or teachers. For purposes of ESEA and any other applicable federal law or law of the government of Puerto Rico, a Certified Educational Entity shall be deemed to be an educational administrative organization.

21. Community School: An educational community composed of parents, students, teachers, and teaching and administrative support staff that serves a community and has autonomy.

22. Partnership School: Means a: (i) a newly-created public elementary school and/or high school that is operated and administrated by a Certified Educational Entity authorized by the Secretary or Authorizer; or (ii) an existing public elementary school and/or high school whose operation and administration is transferred to a Certified Educational Entity authorized by the Authorizer, pursuant to the granting of a Charter.

23. CTE Magnet School: A public school with academic and technical course offerings that attracts students from different regions and groups with defined interests.

24. Bona Fide Student: Means any student enrolled in a public or private school, at least for the semester immediately before he submitted his application to participate in the Certificate Program.

25. At-Risk Student: Means a student who is considered to have a higher probability of failing academically or has expressed his intention of dropping out of the public school system and who requires services or special assistance in order to succeed in the educational programs.


27. Evaluation: The procedure to assess the performance of the teaching and non-teaching staff of a school for the purposes established in this Act.
28. Impairment or Disability: Any physical, mental, or emotional condition that limits or impairs the development or learning capacity of a person.

29. Government Ethics Act: Refers to Act No. 1-2012, as amended, known as the “Organic Act of the Puerto Rico Government Ethics Office” or any other law that substitutes it.

30. Uniform Administrative Procedure Act (UAPA): Refers to the “Government of Puerto Rico Uniform Administrative Procedure Act” or any other law that substitutes it.

31. Intervention Model: Refers to the interventions for qualifying schools, according to: (a) the U.S. Department of Education, and/or (b) as established in the ESSA Consolidated Plan.

32. Office: Refers to the Voluntary School Choice Program Office.

33. Regional Office of Education: Operational unit of the Department under the direction of a Regional Superintendent in charge of carrying out academic and administrative duties in the schools located within the region.

34. Student Organizations: Body that groups the students of career programs in the United States and the territories thereof.

35. Parent: Refers to the father, mother, guardian, or custodian of a student.

36. Person with a Disability: Infants, children, youth, and adults up to 21 years of age, inclusively, who have been diagnosed with one or more of the following conditions: hearing impairments including deafness; speech or language impairment; visual impairment including blindness; severe emotional disturbances; orthopedic impairments; autism; deaf-blindness; traumatic brain injury; other health impairment; learning disability; intellectual disability; multiple disabilities; who due to their disability, require special education and related services. It also
includes developmental delay in children from birth to the age of two (2), inclusively.

37. Teaching Staff: Teachers, school principals, librarians, counselors, education facilitators, social workers, and other technical, administrative, and supervisory staff in the Public Education System, who hold teaching certificates issued in accordance with the law.

38. Non-teaching Staff: Officials or employees not included in the “teaching” category.

39. “School Excellence Plan or SEP”: document developed by schools based on the criteria established by the Secretary, which shall include objectively measurable and verifiable expectations regarding the quality and effectiveness of education in the school, such as retention, graduation, and university admission rates, among others, allocation of appropriated funds directly among teaching and non-teaching tasks, actual school days, and time-on tasks estimation, among others.

40. ESSA Consolidated Plan: Refers to Consolidated State Plan of the Department of Education of Puerto Rico under ESEA, as amended by the “Every Student Succeeds Act (ESSA). The plan shall stem from the direct data collection on the effectiveness of each school.

41. Individualized Education Program or IEP: Legal document that constitutes the agreement between the Department and a parent, guardian, or custodian, who is eligible to receive special education services. It establishes the level of academic achievement and functional performance; measurable annual goals and short-term objectives; grade and extracurricular activities where the student shall participate; alternative placement; and the accommodations to be offered, among others, within a period not to exceed one year. This document shall be prepared by a Special Education Programming and Placement Committee
(SEPPC). It shall be the duty of the Department that every student with special needs has an IEP and that education is provided accordingly. The Department shall strive to provide every student, regardless of the program in which they are enrolled, with an IEP.

42. Program of Study (POS): A coordinated, nonduplicative progression of courses that align secondary career education with postsecondary education, and lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree for entry into high-demand and high-skill occupations.

43. CTE Skills Assessment: Measure of progress based on industry-specific standards, where the student shows to have attained the knowledge and technical skills of the selected program of study.

44. Regular or Career Position: Means the position in which an employee of the Department has a property interest or has permanent status.

45. Secretary: The Secretary of the Department of Education of Puerto Rico.

46. Longitudinal Data System: A system accessible to school communities that integrates intra- and inter-agency data for decision-making purposes that support the PreK-16 model and the development of a profile for every high school graduate from our education system.

47. Public Education System of Puerto Rico: Comprises every school provided by the State pursuant to Article II, Section 5 of the Constitution of the Government of Puerto Rico directed to students until they complete high school, except for Special Education the extent of which shall be subject to specific laws.

48. Applicant: Means any person or entity that develops or submits a proposal to be granted a Charter authorizing the operation and administration of a Partnership School.
49. Application: Means a proposal submitted by an applicant to be granted a Charter authorizing the operation and administration of a Partnership School.

50. STEM: Education focused on Science, Technology, Engineering, and Mathematics.

51. STEAM: Education focused on Science, Technology, Engineering, the Arts, and Mathematics.

52. Regional Superintendent: An official who directs the administrative, teaching, and academic tasks in a Regional Office of Education.

53. Transition: The process to facilitate the adaptation or integration of a person with disabilities to a new environment; or from early intervention stages to preschool or to school; or to the workforce, independent living, or postsecondary education.

54. Third Sector: Entities, associations, foundations, or nonprofit corporations duly incorporated in the Department of State, as well as nongovernmental organizations charged with developing social action projects which shall be implemented by volunteers or professionals.

When applicable, the words used in the present tense shall also include the future tense; words used in the male form shall include the female form; the singular shall include the plural, and vice versa; and the “and” when used as a conjunction shall not be understood as excluding.

Section 1.04.- Compulsory School Attendance.

a. School attendance shall be compulsory for students between the ages of five (5) and (18), except for: students participating in an elementary or secondary alternative education program or its equivalent; students enrolled in a
high school equivalency program for adults or other programs that prepare students to be readmitted to a regular school; or students who have taken the GED test.

b. Public school students are hereby prohibited from leaving the school grounds during school hours or during any recess. The School Principal and the student’s teacher shall be jointly accountable for unexcused absences of said nature and their evaluations shall state so if they fail to prove that clear and convincing efforts were taken to prevent such absences. It is hereby provided that the Secretary shall be required to prescribe by regulations to such effect, the procedure to authorize students to leave the school grounds during school hours. Such regulations shall contain, at least, one provision regarding the express authorization of a parent, guardian, or custodian.

c. Any student’s parent, guardian, or custodian who encourages, entices, or allows such student to be absent from school for a period equal to or greater than three (3) consecutive days without just cause, or who fails to meet his responsibility of causing the child to attend school, and after receiving a notice of non-compliance, shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000) or a minimum period of one hundred (100) hours of community service at the institution the student for whom he is responsible attends, or both penalties at the discretion of the Court. Said person shall also be guilty of a civil infraction that may entail the cancellation of benefits under the Nutrition Assistance Program, the Public Housing Program, and the Affordable Housing Program. Each school shall develop a strategic plan to prevent student’s excessive absences from the classroom.

d. All students shall be enrolled in an educational program until they finish high school or its equivalent. Every student’s parent, guardian, or custodian shall be responsible for the student’s compulsory school attendance, as provided in this Section.
e. The Secretary, in conjunction with Regional Superintendents and school principals, shall establish the methods or procedures to be used by Regional Offices of Education to implement the provisions regarding student’s compulsory school attendance, through regulations that shall include, among others, the following:

1. The School Principal’s responsibility for the enforcement of compulsory school attendance.

2. A daily attendance record of the school’s students. Schools shall use the electronic media established by the Department to record students’ class attendance.

3. An attendance notification system for parents. Said notifications shall be sent on a monthly basis, and in the case of pattern absences, parents shall be notified weekly.

4. The steps to be taken by the school to address student attendance problems.

5. Incentives to every student’s parent, guardian, or custodian discharging his responsibility regarding the student’s compulsory school attendance.

f. At the end of each semester, the Secretary shall submit a “Report on School Dropout in Puerto Rico.” The information therein shall be presented in a manner that is clear and easy to understand for the general public. Said report shall be submitted to the Governor, the Legislative Assembly through the Office of the Clerk of the House of Representatives and the Office of the Secretary of the Senate, and the Puerto Rico Institute of Statistics. In addition, the report shall be available on the Department’s website. The same shall include, but shall not be limited to, the total dropout rates by grade level for every education region and for each school; the High School Equivalency Test pass rate; data on transfers,
expulsions, suspensions, and absenteeism; and any other pertinent information in connection with the academic progress of students. Furthermore, the Secretary shall make available on the Department’s website every month, each school’s attendance report, which shall be reported in accordance with regulations.

g. The Puerto Rico Institute of Statistics is hereby designated as the authorized representative of the Department for the purpose of sharing students’ information with the Institute, safeguarding the confidentiality rights of students pursuant to Section 1.05 of this Act.

Section 1.05.- Education Records.

School principals shall be responsible for maintaining and keeping custody of their student’s education records. These records shall contain the following information of students: name, address, telephone, name of the parents, guardians, or custodians, and their contact information, information regarding health conditions and the certificate of immunization, academic information such as grades and evaluation results, always protecting the confidentiality of said information, disciplinary reports, attendance reports, schools attended, courses taken, awards conferred, and degrees earned, and, in the case of special education students, the IEP reports.

Education records shall be confidential, except for the information shared among officials of government agencies or educational institutions, in accordance with the restrictions and requirements imposed by the applicable laws, in the course and performance of their duties or any information required by a judicial order. Education records shall contain clear and updated information and shall be readily accessible in the event of a student’s transfer to another school or jurisdiction.
Any school information collected shall be sent to the Regional Offices of Education in order to be incorporated to the Department’s Longitudinal Data System, safeguarding the identity of students.

CHAPTER II: PUBLIC EDUCATION SYSTEM

Section 2.01.- Composition.

The Public Education System of Puerto Rico is composed of the Secretary, the Regional Offices of Education, Community Schools, and Partnership Public Schools.

Section 2.02.- Secretary of Education.

The Secretary of Education is the official designated by the Governor of Puerto Rico pursuant to the Constitution of Puerto Rico. The Secretary is the highest ranking official of the Department and, among other functions or duties, may establish the vision, mission, priorities, and goals of the Public Education System by means of rules, regulations, administrative orders or directives, in accordance with the code of law in effect, but in no case shall impair the rights of teachers. The Secretary shall have the executive, administrative, and academic powers provided in this Act or in any other applicable law. The Secretary shall provide for the establishment of administrative offices as are necessary to achieve the purposes of this Act or any other applicable law. The Secretary, through the budget request, shall ensure that not less than seventy percent (70%) of the departments’ budget is allocated to provide students with direct services in the schools and shall submit an annual report to the Legislative Assembly to such effects, together with any recommendations that school principals may make.

Section 2.03.- Appointment of the Secretary of Education.

The Secretary of Education shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate. The Secretary shall be a United States citizen.
Section 2.04.- Duties and Responsibilities of the Secretary of Education.

a. The Secretary shall be responsible for the effective and efficient administration of the Public Education System in accordance with the law, the duly-established education policy, and the public policy adopted by the Legislative Assembly and the Governor, in order to achieve the purposes set forth in the Constitution of Puerto Rico and in this Act for the Public Education System.

b. The Secretary shall:

1. Serve as the administrator of the Department and of the Public Education System of Puerto Rico, including, but not limited to, the organization, planning, fiscal monitoring and evaluation, and academic and administrative activities thereof.

2. Establish and implement the public policy of the Department, in conjunction with the Legislative Assembly, including the promulgation of regulations and procedures, that feature students as the raison d’être of the Education System. Furthermore, said public policy shall fulfill the purposes of the Constitution of Puerto Rico, this Act, and the laws and public policy adopted by the Commonwealth of Puerto Rico.

3. Develop a strategic plan to implement the public policy established by the Department together with school principals directed by Regional Superintendents.

4. Ensure the sustainability of the system so that the necessary resources for educational excellence are available to future generations.

5. Represent the Department in the official activities of the Government and before the community, taking into account the participation of school principals.
6. Delegate, in accordance with the applicable laws and regulations, any of his responsibilities, duties, or functions to employees or officials of the Department, as well as to withdraw such delegation.

7. Create the minimum organizational structure required to ensure the effective operations of the Department.

8. Prepare and manage the budget of the Department and funds from external sources, ensuring that regions and schools receive said funds according to identified needs and priorities. The Secretary shall publish on the website of the Department, annual appropriations, per school, stating in detail the use of federal and state funds separately.

9. Prescribe by regulations a swift, transparent, and coherent accounting and disbursement system for the Department that makes optimal use of resources and shows sound administration of funds, in accordance with the regulations adopted for such purposes by the Department of the Treasury.

10. Design and establish auditing systems to regularly determine the legality of the disbursements made to each Regional Office of Education and implement the operational audit concept to ensure the optimal use of funds.

11. Administer state and federal funds and programs and allocate the budget of each Regional Office of Education based on equity standards, per student and per school, with a zero-base and line item budgeting model.

12. Establish the procurement policies for Regional Offices of Education and schools as part of the Department’s Procurement Regulations. Said policies shall include the obligation to publish on the Department’s website all product and service needs to be acquired by the Public Education System of Puerto Rico, in accordance with the applicable state and federal rules, which guarantee the transparency and reliability of the goods and services acquisition process for all components of said System.
13. Prescribe by regulations the conditions, guarantees, and financial terms of leasing agreements for use of school facilities entered into with private entities for holding activities or rendering services compatible with the educational activity and the public policy set forth in this Act.

14. Establish and regulate the opening, closing, merger, and/or reorganization of facilities where the public schools of Puerto Rico operate, upon previous determination of necessity. Provided, that in order to close, merge, and/or reorganize facilities, the Secretary shall follow the procedure established in subsection (f) of Section 8.01 of this Act. Provided, that the Public Building Authority or the Office of Public Schools Improvement shall continue providing maintenance services to the public school facilities where such entities currently provide such services.

15. Develop strategies for school facility management.

16. Enter into agreements, contracts, and covenants with agencies or instrumentalities of the Government of Puerto Rico or its municipalities, as well as agencies and instrumentalities of the federal government, or state and/or local governments of the United States, or with private persons or entities, in order to implement this Act and achieve its purposes.

17. Form partnerships with the third sector, nonprofit entities, educational institutions, private businesses, cooperatives, and the community, that is, with all sectors that compose the school environment. For these purposes, the execution of collaboration agreements with entities that promote creativity and the arts as part of the education process is hereby included.

18. Advise and collaborate with the bodies that compose the Legislative and the Executive Branches in order to join forces in favor of education in Puerto Rico. Contribute the agency’s expertise in the field of education to the works of the Legislative and the Executive Branches.
19. Ensure the physical and psycho-emotional wellbeing of students. This includes the integration of professionals in the field of psychology to the extent the resources of the State allow; as well as the promotion of healthy lifestyles and disease and suicide prevention campaigns. In seeking to achieve such purposes, the Secretary shall also form partnerships with healthcare professionals and entities.

20. Promote the establishment of youth cooperatives and make them feasible in order to strengthen the development of student entrepreneurs and, in turn, the economy of Puerto Rico. Likewise, the Secretary shall form partnerships with the private sector to develop entrepreneurship courses in schools.

21. Transform the educational content to adjust them to the changes and demands of today’s global economy and change teacher certification requirements, as necessary, to ensure that curricular changes are consistent with teacher certification requirements in order to guarantee that teachers meet such requirements or receive professional training.

22. Establish and promote internships for the students of the public education system in the instrumentalities and agencies of the State, as well as in private corporations, nonprofit organizations, and the third sector. In addition the Secretary shall form partnerships and collaboration bridges with other educational institutions to facilitate and allow university students to conduct their practicum in different areas of the Department that are related to the profession they are pursuing so that they may complete their graduation requirements while contributing to public service and partaking in the improvement of the Public Education System.

23. Allow business, entrepreneurial, industrial, all types of agribusiness, programming and robotics sectors, and other third-sector corporations or entities to express their opinion and to participate and provide
advice through work committees or taskforces established by the Office of the Secretary. Likewise, the Secretary shall promote the development of entrepreneurs aimed at providing students with the necessary tools for the development and management of businesses and enterprises, as well as for the creation and management of budgets.

24. Accept in-kind goods and services or monetary donations from local, state, or federal government bodies, as well as from private persons or institutions without being subject to the provisions of Act No. 57 of June 19, 1958, as amended; provided, that donations are not subject to conditions that affect the operations of the Public Education System. Conditional gifts shall be subject to the provisions of Act No. 57 of June 19, 1958, as amended.

25. Designate and establish Regional Offices of Education, Certified Educational Entities, Partnership Schools, or groups of Certified Educational Entities as Local Educational Agencies, as such term is defined in the Federal Law, 20 U.S.C. 7801(30), and in accordance with the applicable regulations.

26. Facilitate resources and tools to Regional Offices of Education and the teaching staff, promote advanced research and local administration practices, and encourage communities to contribute ideas and solutions for new challenges.

27. Establish and evaluate the criteria for the training programs provided to school administrative staff in the fields of budget preparation and administration, personnel management, tax audit, and any other administrative area deemed essential for the adequate administration of the Public Education System.

28. Authorize, supervise, and evaluate Partnership Schools to provide greater school options to students.
29. Establish the rules relating to the management and evaluation of school staff without affecting any of the vested rights held by teachers prior to the approval of this Act.

30. Establish educational standards of quality and excellence that promote student success.

31. Establish the criteria upon which each school shall develop their School Plan or SEP.

32. Establish and supervise academic and administrative matters of all public schools of Puerto Rico including, but not limited to:
   a. Curriculum;
   b. Programs and activities, including extracurricular activities;
   c. Grade level promotion and graduation requirements.
   d. Evaluations;
   e. Audit of the schools’ operations and the staff thereof; and
   f. Oversee the use of funds allocated to schools.

33. Make school lunchroom and transportation services available.

34. Ensure that students with disabilities receive services as provided in the state and federal laws and regulations that apply to this population.

35. Establish, in conjunction with the Women’s Advocate Office, an education program directed at promoting equality among humans, conflict resolution, anger management, and domestic violence prevention.

36. Develop a human, civil, and constitutional rights program.

37. Design and integrate in the School Health Program curriculum, at all levels, school activities, projects, and electronic learning modules, directed at providing mainstream students with the opportunity of acquiring knowledge, abilities, and life skills in order to teach them about health conditions and
developmental disorders that affect the learning process of special education students, for the purpose of sensitizing them to increase their general knowledge of their issues and prevent discrimination and isolation and damages to their self-esteem.

38. Enter into collaboration agreements with the National Astronomy and Ionosphere Center (NAIC) and the National Science Foundation (NSF) so that all of the students of the Education System of Puerto Rico have the opportunity to visit the Arecibo Observatory and learn of its importance for science research worldwide and, in turn, encourage them to reinforce their education in the fields of science and astronomy, among others, through the “Making Our Schools More Enjoyable Through Science and Astronomy” Program.

39. Include in the education curriculum, in accordance with Reorganization Plan No. 5-2010, subjects aimed at finance planning and management including, but not limited to, debt management, savings, creditworthiness management and importance, home buying, fraud prevention, and retirement planning.

The Department shall work on the design of these subjects in conjunction with the Financial Education Institute of Puerto Rico. In addition, it shall contribute, to the extent possible, with the Office of the Commissioner of Financial Institutions, the Consumer Credit Counseling Services of Puerto Rico, Inc., the Banks Association, and the Corporation for the Supervision and Insurance of Cooperatives in preparing the material to be used in financial education.

40. Establish and implement a communication and relationship program between students and renowned Puerto Ricans in different fields and occupations, such as, but not limited to: culture, literature, the arts, drama, cooperativism, music, dance, science, sports, business, and finances. The purpose of the program is to facilitate and make the interaction and communication
between students and talented Puerto Ricans feasible. The Secretary may enter into collaboration agreements with the Musical Arts Corporation, the Fine Arts Center, the Conservatory of Music, the University of Puerto Rico, the School of Visual Arts, the Institute of Puerto Rican Culture, and other public or private for profit or nonprofit agencies or organizations and require their cooperation and advice, as necessary, for the implementation of the program. The Secretary shall adopt regulations as are necessary to establish the program. Likewise, the Secretary shall promote the different modalities of fine arts at all levels through the curricula.

For purposes of this subsection, a renowned Puerto Rican means a citizen who stands out for his traits, talent, and virtue in an ethical and moral framework, and who has qualities worth emulating, is a law-abiding citizen, and has the capability to contribute to the general welfare and maximum potential of Puerto Rico.

41. Guarantee education services to children and youth serving sentences in a juvenile institution or adult correctional institution.

42. Keep the people informed in a transparent manner of the performance of the public education system. For such purposes, it shall use any electronic media available.

43. Be sensitive to the needs and realities of teachers and ensure that they are provided with a work environment that promotes their health and emotional wellbeing, guaranteeing the vested rights they held prior to the approval of this Act.

44. Render the use of educational facilities flexible to assist in the restructuration and transformation of the community and permanent learning.

45. Provide digital tools to measure the effectiveness of the school and the teaching staff in all public schools of Puerto Rico.
46. Provide digital tools to measure academic achievement of the students of all public schools of Puerto Rico.

47. Ensure the availability of services for special education students, in accordance with the applicable state and federal laws and regulations.

48. Ensure the design and implementation of corrective measures of the Regional Superintendent and the provisional administrative guidelines for the schools that so require, after the appropriate evaluation process.

49. Take immediate and proactive action regarding any noncompliance by the staff that infringes upon the education or safety of students.

50. Develop a Longitudinal Data System based on the vision and mission of the guiding principles of the Department’s strategic plan, which shall be accessible to school communities and provide accurate and reliable data to facilitate informed decision-making in benefit of students.

51. Make available electronically the information regarding academic achievement per school and per region, compliance with the established benchmarks, evaluation results, and use of funds, as well as ensure that Regional Superintendents disclose such results to the People.

52. Annually audit and make available information about:
   a. The progress of the Government’s educational initiatives;
   b. The number of high-performing schools, and the uses, strategies, and activities that led them to achieve said performance;
   c. Statistical data on the evaluation of educational goals;
   d. The success achieved by the education system; and
   e. Current challenges in the education system.

53. Submit an annual report to the Governor and the Legislative Assembly on the achievements, findings, and issues of the Department.
54. Revise the regulations of the Department in conjunction with representatives of the directly affected staff and with the participation of certified unions, every three (3) to five (5) years in order to update such regulations according to the needs of the Public Education System.

55. Guarantee that every school in the Public Education System, whether it is administered by the Department or a Partnership School, has libraries administered by the necessary teaching staff duly certified by the Department with business hours that provide easy access to students, teachers, parents, and the community in general. Libraries shall have printed resources and technological equipment with broadband Internet to access different sources of information. Schools that do not have a library as of the date of approval of this Act, shall establish a library within two (2) years as of the approval thereof. In order to comply with the provisions of this subsection, the Department may enter into agreements or partnerships as are necessary.

56. Promulgate the scope of this Act, through any media outlet, whether through the agency’s website or any other available medium.

57. Promote the self-evaluation and introspection of the school community by allowing a five (5)-minute meditation period at the beginning of the school day in all schools, pursuant to Act No. 60-2009.

58. Establish a recycling program in every school in the system.

59. Annually publish a statistical report of the PCMAS results, without identifying teachers, verifying the qualification of new teachers, the universities they attended and that awarded them a degree.

60. Establish, in accordance with Act No. 119-2017, the Drug-Free and Weapon-Free School Program, for the purpose of promoting a peaceful and safe environment within the schools and school zones of the Public Education System.
61. The Secretary shall be required to implement sign language courses in the curriculum at the elementary, middle, and high-school levels, pursuant to Act No. 56-2018.

62. Comply with Act No. 146-2013, which establishes the “Equal Opportunity and Access to Higher Education Act,” as well as the Special Fund to defray the cost of the College Evaluation and Admission Test (PEAU, Spanish acronym).

63. Implement domestic violence prevention programs directed to the students of the public system, and to parents, adapted to the different levels: elementary and secondary; emphasizing the social and emotional aspects of domestic violence.

Section 2.05.- Municipal Schools.

Schools created by a municipality pursuant to Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico” shall have their own code of laws. It shall consist of a Code of Education approved by the Municipal Legislature and the rules that govern the organization and operations of schools established by the Governing Board of the Municipal Education System. Municipal Schools are outside of the jurisdiction of the Department and its Secretary. However, municipalities may participate under the Partnership Schools model.

Section 2.06.- Regional Offices of Education.

The regional offices of the Department shall become Regional Offices of Education, which shall be in charge of the department’s operational aspects taking a more active role in decision-making and bearing greater responsibility for the results in the educational and academic administration of the public schools within their regions. The Secretary shall establish the guidelines, mission, and vision that
Regional Superintendents shall use in the administration and performance of their duties as provided in this Act.

The Secretary shall prescribe by regulations the organizational structure of each Regional Office of Education, which shall include a Regional Superintendent who shall be in charge of implementing the vision and mission established by the Secretary for the Public Education System, making recommendations to the Secretary and addressing all academic and educational matters, such as budget, compliance and responsibility, student services, community issues, facility maintenance by the Public Building Authority, human resources, legal affairs, among others specifically delegated by law or regulations.

Section 2.07. - Superintendent of the Regional Office of Education.

The Superintendent of the Regional Office of Education shall report directly to the Secretary. The Regional Superintendent shall be responsible for directing the Regional Office of Education and performing the duties and responsibilities of the Regional Office of Education pursuant to this Act, the regulations, guidelines, vision, and mission, as well as the rules and directives promulgated by the Secretary. Furthermore, the Regional Superintendent shall ensure that the schools under his supervision comply with the laws of the Government of Puerto Rico, the rules, regulations, orders, standards, directives, and public policy of the Department.

Section 2.08.- Duties and Responsibilities of the Superintendent of a Regional Office of Education.

In addition to the duties and responsibilities set forth by regulations or directives of the Secretary, the Superintendent of each Regional Office of Education shall:
a. Administer efficiently and effectively the Regional Office of Education in accordance with the strategic plan of the Department, the law, and the education policy duly established.

b. Administer efficiently and pursuant to the standards, directives, rules, regulations promulgated by the Secretary and the applicable laws, the federal and/or state funds and programs, and the budget appropriated to the Regional Office of Education.

c. Contribute towards increasing the percentage of funds directly set aside for classrooms and for providing support thereto.

d. Implement the standards, directives, rules, and regulations promulgated by the Secretary concerning the Regional Office of Educations’ procurement.

e. Properly balance the number of schools and teachers with the number of students served, upon an analysis to such effect.

f. Collect, analyze, and disclose to the Department the students’ information provided by schools, including, but not limited to, academic data, enrollment, attendance, graduation rates, among others.

g. Take decisions supported by the information and data collected.

h. Seek to increase the number of high-performing schools in order to provide families with more high quality education options.

i. Approve the School Plan developed by the schools within the Region and evaluate the performance thereof annually.

j. Establish with each School Principal his duties and responsibilities, pursuant to the strategic plan of the Department and the School Plan.

k. Design and offer programs and services for the development of students, teachers, and school principals.
1. Arrange with the universities of Puerto Rico the coordination and revision of their course offerings with the needs of the public education system concerning:
   1. Teacher training on the technical areas of their profession as well as on their teaching fields;
   2. Adequate management of the latest educational technologies;
   3. Training of schools’ managerial staff, including training on the use of technology;
   4. Training of professional staff for teaching support tasks;
   5. The establishment of continuing education and retraining programs for teachers.

m. Supervise the implementation of curricula, services, and academic programs in schools.

n. Annually evaluate the staff of the Regional Office of Education and school principals.

o. Implement the employee accountability system in accordance with the standards, directives, rules, and regulations promulgated by the Secretary.

p. Implement corrective measures in schools that fail to comply with the School Plan and show a low performance consistent with ESSA.

q. Take control of and administer temporarily schools that so require after the corresponding evaluation process.

r. Identify and address the needs of students, including school lunchroom and transportation services.

s. Coordinate special education services in schools.

t. Promote and foster participation and collaboration agreements with the community, the third-sector, and other entities inuring to the benefit of the school and the general communities.
u. Facilitate access to, and use of, school facilities by the third-sector and nonprofit entities offering services or extracurricular activities and programs to the community and the students, as well as interagency service rendering.

v. Review on a weekly basis the logs of student behavior that digresses from community norms such as teamwork, peer association, and normal behavior. The Superintendent shall immediately notify the Secretary so that appropriate action may be taken.

Section 2.09.- School Principal.

The School Principal shall be in charge of directing the school and shall report directly to the Superintendent of the Regional Office of Education.

Section 2.10.- Duties and Responsibilities of the School Principal.

In addition to the duties and responsibilities established by regulations, the School Principal shall:

a. Effectively and efficiently administer the school, the resources thereof, and the funds allocated thereto.

b. Carry out his duties in accordance with the strategic plan of the Department, the School Plan, as well as the duties and responsibilities established by the Regional Superintendent.

c. Develop a School Plan in accordance with the criteria established by the Secretary, which shall be approved by the Regional Superintendent.

d. Direct the school seeking to remain or become a high-performing school in accordance with the guidelines, vision, and mission established by the Secretary, promoting the expectation of success in his school community and compliance with the regulations and directives of the Department.

e. Evaluate the school staff in accordance with the standards, directives, rules, and regulations promulgated by the Secretary, always honoring the vested rights held by teachers prior to the approval of this Act.
f. Support the implementation of a rigorous, stimulating, and coherent curriculum.
g. Implement academic programs as well as professional development programs for the staff.
h. Ensure the conditions for the educational and socio-emotional development of students.
i. To keep custody of and update the students’ education records.
j. Submit periodical reports to the Regional Office of Education regarding the school enrollment and the school’s educational efforts.
k. Implement the accountability system in accordance with the standards, directives, rules, and regulations promulgated by the Secretary.
l. Implement corrective measures as determined by the Regional Superintendent.
m. Promote collaboration, participation, and integration of the parents and the community in the school’s educational efforts.
n. Promote a safe, inclusive, and dynamic school environment.
o. Implement disciplinary measures for students in accordance with the public policy, directives, standards, rules, and regulations promulgated by the Secretary.
p. Facilitate access to, and use of, school facilities by third-sector and nonprofit entities offering services or extracurricular activities and programs to the community and the students, as well as interagency service rendering. In addition, coordinate with them to carry out and promote activities in the school community.
q. Apply the conferred autonomy in matters regarding:
   1. The supervision and management of the school staff to attain the goals set;
2. The adaptation of educational programs to better serve student interests, upon previous consultation with the Regional Superintendent.

3. The administration of the resources allocated to the school.

4. The development of school internal security plans and a process to refer to the Department of the Family and report to the Secretary or any other competent authority, cases of child abuse detected in the school and follow up on such cases. For such purposes, a security plan shall be created for the public schools of the Government of Puerto Rico in conjunction with the Puerto Rico Police, the Municipal Police, or private entities. In order to carry out this duty, the school principal shall hold meetings as he deems pertinent if he uses the security entities of the government or budget the cost of security if he employs private companies. This shall be a mandatory and non-discretionary provision of the Secretary.

5. The development of curricular and extracurricular activities in conjunction with students, parents, and the community;

6. The establishment and maintenance of adequate structures for a positive learning environment.

7. The establishment and support of a learning culture that sets high expectations for students.

8. The coordination of resources to support school goals and address the needs of students;

9. The application of the rules of conduct and disciplinary measures established by the Department to the teaching and non-teaching staff as well as to students.

r. Establish a log stating in detail successful and unsuccessful efforts in achieving the goals.
Section 2.11.- Teacher.

Teachers are the key resource of the education process. Their primary function is teaching and educating students as well as guiding and directing them throughout the teaching and learning process. Their achievements are closely related to their motivation. Thus, they must have support and adequate technological and infrastructure resources. For such reasons, the vested rights held by teachers prior to the approval of this Act shall be guaranteed by the Secretary of the Department and the Government of Puerto Rico, specifically those concerning their tenure and retirement.

Section 2.12.- Teachers’ Duties and Responsibilities.

Teachers shall work efficiently to:

a. Educate and encourage students to achieve or exceed the educational goals and meet the performance requirements established by the Secretary;

b. Address the educational needs of students;

c. Foster the collaboration of parents in the student’s education process.

d. Prepare students so that they may acquire the necessary skills to graduate from high school and continue postsecondary education and/or join the work force;

e. Immediately notify the School Principal of any case or suspicion of abuse, of any kind, against a student;

f. Efficiently meet the learning technologies requirements and the programming thereof;

g. Plan the teaching work, organizing the structure of their classes to make the most of students’ instruction and curb any conflicts that may arise in class;

h. Gear education based on where, what, and how students may study;

i. Recognize the effort and the success of their students;
j. Instill teamwork principles;
k. Awaken the students’ intrinsic motivation for learning, preparing lessons and learning materials with care for the purpose of furthering learning;
l. Live according to the values that they want to pass on;
m. Keep their records accurately, timely, and thoroughly; and
n. Be provided with optimal teaching and learning conditions and have at their disposal:

1. The necessary resources and work conditions to deliver a lesson;
2. Professional development based on research, their interests, and the needs of students;
3. Incentives;
4. Respect as professionals of great value to society;
5. Flexibility and autonomy to design their teaching processes, always consistent with the laws, rules, regulations, orders, standards, and directives established for such purposes;
6. Peer learning communities where they may exchange ideas and good practices;
7. Space and voice in the school decision table; and
8. Increase the professional capacities of teachers through specific, intensive, and practical professional development through the design of networked learning that enables the identification of professional needs, specifically socio-emotional needs, the plan of study, instruction, and evaluation as well as aligning course offers with standards and evaluations.

Teachers shall observe and meet the requirements and responsibilities established by law, rules, regulations, orders, standards, and directives aimed at optimizing the quality of education.
Section 2.12(a).- Rights of Teachers.

In addition to the rights established by law, standards, rules, regulations, agreements, and vested rights held prior to the approval of this Act, teachers shall have the following rights:

1. Be treated fairly and respectfully. Teachers have the right to deliver their lessons in a calm, harmonious environment, be treated with respect by their fellow teachers as well as by the School Principal, students, and parents;

2. Respect of their physical and moral integrity;

3. Further their knowledge to improve their professional performance and personal development;

4. Respect their religious, moral, ideological beliefs, and their privacy regarding their own convictions or thoughts; and

5. Voluntarily join different professional organizations, labor unions, or associations, pursuant to the applicable laws.

Section 2.12(b).- Teacher Autonomy.-

The Secretary, Regional Superintendents, school principals, and school councils shall validate the teachers’ autonomy, which includes the liberty to: (a) make any changes deemed pertinent to adapt the topic of courses to the socio-cultural and geographical profile of their students, upon previous approval from their superiors; (b) adopt the teaching method that, in their professional judgment, will spark the interest and curiosity of their students about the topics being studied; (c) give personalized attention to students with disabilities, as well as to high-performing or gifted students; and (d) organize students into groups for special studies or projects related to their courses.

Teacher autonomy shall always refer to the topics discussed in the lessons taught, and not to peripheral topics or subjects. Regulations shall recognize the teachers’ authority to keep the order in their classrooms. The teacher autonomy
recognized herein shall not relieve teachers from teaching their courses in accordance with the curriculum of the education system.

Section 2.12(c).- Incentives to Retain Teachers in Hard-to-Staff Areas.

The Secretary shall prescribe by regulations an incentive system to retain in the classroom the best qualified and highest-performing teachers in hard-to-staff areas. Incentives may consist of leave to pursue studies in these areas, bonuses, and other recognitions that highlight the teachers’ value and their teaching work.

Section 2.12(d).- Education of Teachers.

The Secretary shall coordinate that the program offerings of universities in Puerto Rico are consistent with the needs of the Public Education System, with regard to: (a) teacher training on the technical areas of their profession as well as on their teaching fields; (b) adequate management of the latest educational technologies; (c) education of schools’ managerial staff; (d) training of professional staff for teaching support tasks; and (e) establishment of continuing education and retraining programs for teachers. Provided, further, that the University of Puerto Rico shall be given priority when requesting such services, without prejudice to the offerings of other private institutions.

Section 2.12(e).- Teacher Candidates — Exam.

Candidates for holding any position established under Act No. 94 of June 21, 1955, as amended, regarding teacher certification, and the regulations adopted thereunder, shall pass an examination to qualify them as teachers. The Secretary shall promulgate the standards that shall govern the preparation and proctoring of these examinations. The scores obtained therein shall determine the certification of teachers and their turn in the eligible candidate roster, as well as any other academic degree they hold, grade point average, among other qualifications to be established.
Section 2.12(f).- Exemption from Garnishment and Attachment.

The portion of the salary of the teaching staff of the Public Education System of Puerto Rico corresponding to the entry-level teachers’ salary shall be exempted from garnishment and attachment, except in those cases where a state or federal law or court order provide for this remedy.

Section 2.13.- Psychologist; Duties; Certification.

School Psychologists are professionals specialized in this field whose objective is analyzing, reflecting on, and intervening with human behavior in education-related situations, supporting students in overcoming the processes that affect their learning as well as their personal difficulties and their relations with their peers, families, and teachers. School Psychologists shall also provide advice and assist the teaching staff in their teaching strategies, especially in the treatment of students with special educational needs and in conflict resolution.

School Psychologists shall provide support and services directly to both the teaching staff and students. They shall make evaluations of the academic (achievement and knowledge), intellectual, and emotional areas. In addition, they shall create a student profile with their limitations and strengths for the purpose of helping teachers to use strategies that help the student in the learning process. School Psychologists shall advise teachers in the search for new alternatives and facilitate adaptations as are necessary for the benefit of students. School Psychologists may identify potential problems that students may have and intervene with them and, if necessary, refer the case to other health professionals.

School Psychologists shall: (a) develop primary and secondary prevention strategies within the school context; (b) identify learning and developmental problems in students; (c) participate in interdisciplinary work groups for the development, implementation, and evaluation of programs in the school system; (d) administer and interpret psychological and psycho-educational tests,
questionnaires, and inventories of students and teachers; and (e) advise teachers, parents, guardians, custodians, and administrators on the analysis, intervention, and implementation of strategies for solving school problems and conflicts.

Section 2.14.- Creation of the Puerto Rico Education Philosophy Study and Recommendation Commission (CERFE-PR, Spanish acronym).

The Puerto Rico Education Philosophy Study and Recommendation Commission (CERFE-PR, Spanish acronym) is hereby created for the purpose of making recommendations to the Secretary on the adoption of the education philosophy of the Public Education System. The Commission shall be composed of:

a) The Secretary or the person designated by the Secretary;

b) One (1) Director of Education of every university duly accredited in Puerto Rico selected by the President of the academic institution;

c) Seven (7) teachers, one per each education region, holding a Doctorate Degree in Education in representation of teachers selected by their peers. The Regional Superintendent shall call eligible teachers for such purposes within a term of ten (10) days as of the approval of this Act;

d) The Deputy Secretary of Academic Affairs of the Department;

e) The Chair of the Committee with primary jurisdiction on Education of the House of Representatives of Puerto Rico;

f) The Chair of the Committee with primary jurisdiction on Education of the Senate of Puerto Rico;

g) Two (2) professors of education at Doctoral level of the University of Puerto Rico selected by their peers. The President of the University of Puerto Rico shall call eligible professors for such purposes within a term of ten (10) days as of the approval of this Act; and
h) Former secretaries of the Department who wish to participate in the Commission voluntarily.

Section 2.15.- CERFE-PR Executive Committee.

The CERFE-PR Executive Committee is hereby created, to be composed of the Deputy Secretary of Academic Affairs of the Department, who shall preside over it; three (3) Directors of Education of the universities that are part of the CERFE-PR selected by their peers; provided that at least one (1) Director shall be from the University of Puerto Rico; the Chair of the Committee with primary jurisdiction on Education of the House of Representatives of Puerto Rico; the Chair of the Committee with primary jurisdiction on Education of the Senate of Puerto Rico; and one (1) former secretary of the Department selected by his peers.

Section 2.16.- Duties and Responsibilities of the CERFE-PR.

1. To draft work reports containing their recommendations and suggestions. Said reports shall include evidencing studies and documents.

2. To create work committees as the Secretary of Education deems pertinent to expedite the works and submit the corresponding reports to the Executive Committee of the Commission.

3. The Secretary shall submit a report with the recommendations of the CERFE-PR to the Legislative Assembly and the Governor of Puerto Rico. Said report shall include a draft bill stating the education philosophy of Puerto Rico, which shall be filed on or before June 30, 2018.

CHAPTER III: HUMAN RESOURCES

Section 3.01.- Department of Education Personnel System.

a. The Department shall administer its own personnel system without being subject to Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” or Section 14 of Act No. 66-2014, as amended, known as the “Government of the
Commonwealth of Puerto Rico Special Fiscal and Operational Sustainability Act.” However, the Department shall recognize the vested rights held by teachers prior to the approval of this Act and shall adopt personnel regulations that incorporate the merit system, as defined in Act No. 8-2017, into the human resources management. Such regulations shall comprise the areas that are essential to the merit system itself and other areas of personnel management contained in laws relating to public service. The aforementioned regulations shall also contain any other related matters as determined by the Secretary.

b. The following are essential areas of the merit system:
   1. Position Classification;
   2. Recruitment and selection of personnel;
   3. Promotions, transfers, and demotions;
   4. Training; and
   5. Retention;

c. The Department shall submit a copy of its regulations to the Government of Puerto Rico Human Resources Administration and Transformation Office (HRATO).

d. The concept of mobility and the mechanism established by the HRATO to conduct any movement of personnel, as established in Act No. 8-2017, as amended, shall apply to the Department. Provided, however, that mobility shall not apply to teachers, school principals, or staff who require a teacher’s certification from the Department.

e. Teaching staff and school principals shall continue to accrue vacation leave as they did prior to the approval of Act No. 26-2017, as amended.
f. Teaching staff of the Public Education System shall be appointed pursuant to the provisions of this Act and as prescribed through regulations. Any job posting to fill a position shall be open to the general public and published as prescribed through regulations.

g. The Department shall have trust employees, career employees, and transitory employees.

1. Employees appointed to positions of trust shall be at-will employees, and shall meet the education, experience, and other requirements that the Secretary deems essential for the proper performance of the duties of the position. Trust employees are those who substantially participate in the creation and implementation of public policy in the Department or advice or render services directly to the Secretary.

2. Career employees are those who have been admitted into the public service in accordance with the merit system and in faithful compliance with the provisions of the code of laws in effect applicable to the recruitment and selection processes for career appointments at the time of their appointment.

3. Transitory employees shall be hired for fixed-duration jobs and shall have no property interest in their position. It is established that tenure shall be granted to hard-to-fill positions such as English, mathematics, physics, and chemistry teachers after a one (1)-year term, provided that it is financially feasible and the position is vacant.

h. The rights of the employees of the Department are subordinate to the educational rights of the students, who are the raison d’être of the Public Education System.

i. Final determinations regarding personnel matters shall be reviewed, at the request of the party, by the Office of Appeals of the Education System, which shall have primary jurisdiction to address them.
Section 3.02.- Office of Appeals of the Education System.

The Office of Appeals of the Education System shall be composed of administrative judges hired by the Department as well as the support personnel as provided by the Secretary for the operation of such office. The internal organization and operation of the Office of Appeals of the Education System shall be established through regulations promulgated by the Secretary. Administrative judges shall have full independence in the adjudication of appeals and/or matters before their consideration. The number of administrative judges shall be determined by the Secretary, taking into consideration the number of appeals filed, the terms within which these need to be addressed, and the availability of funds.

The administrative judges hired must be attorneys who have been admitted to the practice of the profession for at least three (3) years and have work experience in the labor field. They may not be employees of the Department, nor have any personal or professional interests that is in conflict with their objectivity with regards to the matters before their consideration. Provided that, no person shall be considered an employee of the Department solely because the Department is paying such person to discharge an administrative judge’s duties.

Administrative judges shall resolve appeals on personnel matters pursuant to the procedure regulations and the terms that the Secretary approves for such purposes.

It is established that the Department shall have one hundred and twenty (120) days as of the approval of this Act to transfer all cases undergoing an appeals process before the Public Service Appeals Commission. Cases that have been already scheduled for a hearing on the merits or those where the hearing on the merits has been held but no determination has been issued shall be exempted from this transition. In addition, it is hereby directed that once a case has been resolved by an administrative judge, the Department shall not delay the employee’s
reinstatement if the judge ruled in his favor. Once the Order has been issued the Department shall have ten (10) business days from the date of service of notice to reinstate the employee. Failure to comply with the Order issued by the administrative judge shall entail the payment of double the employee’s salary from the time the adjudication was issued up to the employee’s reinstatement, once such ten (10)-day period elapses.

Moreover, it is provided that no case against an employee of the Department, whether a teaching or non-teaching staff member, shall exceed ninety (90) days in an administrative forum or ninety (90) days in the appeals forum created herein, unless it involves allegations of sex offenses or offenses classified as felonies under the Puerto Rico Penal Code.

The administrative procedures shall be governed by Act No. 38-2017, known as the “Government of Puerto Rico Uniform Administrative Procedure Act.”

Section 3.03.- Responsibilities of the Officials and Employees of the Department.

The Secretary shall promulgate regulations that include a code of conduct and disciplinary measures. Department officials and employees shall be required to comply with and enforce, in the exercise of their jobs, the rules and code of conduct established by the Department and the laws enacted by the Legislative Assembly, as well as any applicable federal law. Noncompliance with any of the aforementioned shall entail the imposition of disciplinary measures that range from admonitions and reprimands, to the dismissal from service, after being guaranteed due process.
Section 3.04.- Evaluations.

The Secretary shall prescribe by regulations the evaluation system for all the employees of the Department. The result of these evaluations shall be a determining factor when considering promotions, permanent status, step-increases, and corrective or disciplinary measures.

These evaluations must measure performance which includes building commitments, achievements, an assessment of the achievements, and improvement actions, and any recognitions. Likewise, it is an instrument that shall be used to guide employees towards the strategic priorities of the Department.

The new evaluation system prescribed through regulations must be based on the following principles:

1. Simultaneous Evaluation: Requires the joint evaluation of the institution, group, and individual. The personnel of the Department must be focused on achieving clear objectives that promote teamwork and the value of each of the team members.

2. Objective Evaluation: Employs rectifiable guidelines and data that cannot be tampered with. It should produce results within the same range or level regardless of who applies it or conducts it.

3. Substantive Evaluation: Assesses substantive rather than secondary aspects. It refers to the achievement of goals, productivity, and the quality of work, among other aspects. Student satisfaction shall also be taken into consideration.

4. Building Commitment: Promotes a spirit of responsibility and service. It evaluates the efforts made to meet the needs of students in the achievement of their educational goals.
The performance evaluation process must be well-structured and organized. The regulations promulgated to such effect shall contain the following phases:

a) Planning Phase (system behaviors, tools, data, feedback and creation of stimuli);

b) Awareness Phase (defining the Mission, Vision, and Strategic Objectives);

c) Pilot Phase (shall allow to determine whether all aspects have been anticipated and whether it is necessary to make any changes to implement it);

d) Operational, Follow-up, and Support Phase (during this stage, it is presumed that all employees are aware of the evaluation process); and the

e) Evaluation Phase (it consists of reviewing/evaluating the results based on the strategic objectives).

The evaluation system of the education system shall enable us to establish as public policy the following:

1. To improve the administration of each school which shall contribute to:

a) Establishing clearly the activities and responsibilities of each person and the group;

b) Providing directors with a tool to plan and organize activities using a management by objectives method; and

c) Strengthening management duties with the leadership of school community members.

2. To improve the performance of our teaching and non-teaching staff by:

a) Facilitating the recognition of personnel performance;

b) Granting performance incentives and bonuses; and
c) Opening communication channels between superiors and subordinates.

3. To improve the administration of human resources by:
   a) Analyzing the suitability between the employee and the position he holds;
   b) Identifying training needs; and
   c) Using the results for the pertinent promotions.

These evaluations shall apply to all the levels within the Department and shall:

1. Be objective, credible, and easy to use;
2. Facilitate communication and dialogue between the parties;
3. Be based on mutual respect;
4. Be endorsed by the Secretary;
5. Be accepted by Directors across all organizational levels;
6. Be understood and assimilated by teaching and non-teaching staff;
7. Continuously evolve; and
8. Be a coherent part of the Department’s best practices and the development of Human Resources.

Section 3.05.- Prohibiting Nepotism.

No person within the fourth degree of consanguinity or affinity to the School Principal or members of the School Council shall be appointed to transitory or regular positions in said school, except when the appropriate dispensation is granted by the Office of Government Ethics.

No person within the fourth degree of consanguinity or affinity to the Regional Superintendent, as appropriate, shall be appointed as School Principal within that region, unless a dispensation is granted by the Office of Government Ethics.
Section 3.06.- Employee Health and Wellbeing.

The Department shall treat any employee health-related situation or unique need with sensitivity. Likewise, it shall also ensure that work environments are safe and free of physical barriers that hinder employee movement. It shall also keep employees informed about health plan application dates and deadlines, and shall make available to them any information provided by the health insurance companies about their health plans. It shall also coordinate with State agencies and instrumentalities, as well as third-sector entities, to offer various orientations and to conduct health campaigns throughout the year.

In the event that a teaching staff member is diagnosed with a serious health condition, or a terminal or catastrophic illness, reasonable accommodation shall be provided immediately taking into account the distance to their home or treatment center. The employee shall provide the Department with a medical certificate attesting thereto.

Section 3.07.- Teacher Social Security.

Any newly-hired teacher to the Public Education System shall apply for Social Security as part of their compensation and benefits.

In the case of teachers who are part of the System as of the effectiveness of this Act, the Secretary shall have one (1) year to hold a mandatory consultation based on the benefit for teachers and years of service, in order to include them in the Social Security System. If said consultation is approved by a majority vote, the funds shall be earmarked, set aside, and obligated for an additional one (1)-year term to defray the cost thereof.
CHAPTER IV: SPECIAL APPOINTMENTS

Section 4.01.- Special Appointments.

a. Regional Superintendent

The Superintendent of the Regional Office of Education shall be appointed by and serve at the discretion of the Secretary. The Superintendent shall be a United States citizen, hold a graduate degree, and have a vast work experience in education, finances, and administration that enables him to direct the Educational Region. The Secretary may substitute any of the three (3) requirements if the persons have more than ten (10) years of proven experience directing schools.

b. School Principal

Without impairment to the career positions already held by some school principals, whose rights shall be upheld, new school principals shall be appointed by the Regional Superintendent pursuant to the applicable laws and regulations. School Principals shall be appointed for a term of one (1) year and such term shall be renewed for a term of three (3) additional years, subject to the outcome of the pertinent evaluations and the school’s performance.

Aspirants to the position of School Principal must be qualified, show their ability to direct a school, have teaching experience, as well as five (5) or more years of experience as a teacher of the Public Education System. His record shall be evaluated based on his performance in positions of a similar nature, and his curriculum, evaluations, and the references provided shall be taken into consideration. Any aspirants with experience in the areas of finances or administration shall receive additional points.
At the time of the appointment, the designated person shall be of legal age, a United States citizen, and shall satisfy all of the requirements and qualifications established in this Act and any applicable rules, regulations, or standards.

c. Managerial Positions

Without impairment to the career positions held by some office directors, assistant superintendents, and other management personnel who report directly to the Regional Superintendent, whose rights shall be upheld and guaranteed, any new appointments to such positions shall be for a term of one (1) year and may be renewed subject to their performance and the outcome of the pertinent evaluations.

CHAPTER V: ASPIRANT TEACHERS

Section 5.01.- Requirements for Aspirant Teachers.

a. In order to be a teacher of the Public Education System, an aspirant must hold a Teacher’s Certificate under Act No. 94 of June 21, 1955, as amended. The Secretary shall adopt regulations which shall establish the academic, vocational, technical, professional experience, and specialty requirements related to their profession that are to be met by all aspirants in order to exercise their profession within the different teaching categories of the Public Education System, as well as establish the recruitment process. Such regulations shall be revised every three (3) years in order to adjust them to the needs of the Public Education System.

b. Aspirants shall be certified by completing a teacher preparation program, whether a traditional or an alternative program:

1. Traditional Certification: Aspirants may earn a Bachelor’s Degree in Arts or Science that includes general teacher preparation courses, a certification in a specialty, professional education, one hundred and eighty (180)
practicum hours, and one semester either teaching or doing an internship at a school.

2. Alternative Certification: Aspirants who hold a Bachelor’s Degree in Arts or Science, but have not taken teacher preparation courses or who do not have teaching experience may complete one of the three following options to be certified: i) a master’s degree; ii) a teacher certification program; or iii) a teacher’s assistant program.

c. Aspirants must take a standardized aptitude test for teachers on pedagogy, technology, and their specialty as part of the certification requirements of each aspirant. The content, level of difficulty, and subjects covered in the aforementioned exam must be comparable to the practice of the profession in other jurisdictions and must reflect the highest levels of education quality.

The recruitment process of each Educational Region shall be conducted through a Register of Eligibles and such register shall only be used when a vacancy arises. The aspirant’s ranking within the Register of Eligibles shall be based primarily on a point system. In addition to the requirements to be established through regulations, the recruitment process shall take into consideration:

1. Aspirants’ scores in the PCMAS;
2. Education;
3. Grade point average;
4. Years of experience;
5. Veteran status;
6. Disability, if any; and
7. Their place of residence.
Likewise, it is provided that when the sum of the points granted for meeting the aforementioned requirements is: i) from 88-118, two (2) points shall be added; ii) from 119-139, four (4) points shall be added; and iii) from 140-160, six (6) points shall be added.

d. The Department shall coordinate the review of the teacher preparation curriculum with educational institutions, in order for their academic offerings to reflect and integrate the necessary changes so that teachers are able to meet the demands of modern society (the use of technology, project-based learning, group management, research, collaboration, and developing creativity), and prepare students to be agents of change and the engine of the economy and cultural development of the Island.

CHAPTER VI: PUBLIC SCHOOL SYSTEM

Section 6.01.- School Definition and Composition.

The school is the functional unit of the Public Education System. It is composed of:

a. The students;

b. The academic component consisting of teachers, education support professionals, and the School Principal;

c. The managerial component consisting of the administrative officials, and the clerical and maintenance school employees; and

d. The external component consisting of the parents, guardians, and custodians of the students, and the community.

Schools shall be classified according to the grade level courses offered, namely: elementary schools, second unit schools, high schools, and postsecondary institutions.
Section 6.02.- Activities and Services.

The school shall promote curricular and extracurricular activities that stimulate the student’s academic and personal development. To achieve this, it shall promote and enter into collaboration agreements with the third sector as well as State agencies and instrumentalities, nonprofit organizations, educational institutions, private companies, cooperatives, and the community, that is, all those sectors that are part of the school environment. Moreover, the school’s teaching and administrative staff shall seek the participation and collaboration of students, parents, and the community for the creation of various projects and initiatives that have a positive impact on the school, enrich the student’s educational experience, and make schools dynamic centers of inclusive participation.

Moreover, the school shall:

a) Provide services for students with disabilities, as provided in state and federal laws and regulations applicable to this population, among which is Act No. 51-1996, as amended, known as the “Integral Educational Services for Persons with Disabilities Act”;

b) Implement remedial education programs for students who have fallen behind and for at-risk students;

c) Offer courses for high-performing students or students with special skills;

d) Provide career education orientation services to its students;

e) Provide student counseling services to help them understand and cope with issues pertaining to their age; and

f) Implement acceleration options and educational services for gifted students.
Section 6.03.- School Evaluation.

a. Schools shall be subject to annual evaluations pursuant to the School Plan developed by each school, which must observe the criteria promulgated by the Secretary and be approved by the Regional Office of Education.

b. The evaluation shall take into consideration the school’s compliance with the School Plan, including those areas relative to the school’s teaching quality and effectiveness that are objectively measurable and verifiable, such as the retention rate, graduation rate, college acceptance rate, academic achievement, cost effectiveness levels, standardized test results, innovative project development initiatives, community projects, and the achievements of the teachers and students thereof, at a state, federal, and international level.

c. The Secretary shall promulgate regulations that prescribe corrective measures to intervene in schools that fail to comply with the School Plan or that are chronically low-performing, or consistently evince administrative deficiencies, and fiscal irregularities. Corrective measures shall include the Regional Superintendent taking over the control and administration of such schools, among other alternatives.

Section 6.04.- School Council.

Each school shall have a School Council where the four school components shall be represented. The powers, composition, duties, and responsibilities of the School Council shall be prescribed by the Secretary through regulations. The number of members of each School Council shall depend on the school’s classification, but shall not be less than five (5) nor more than eleven (11). It is provided that at least one of the members shall be a parent, guardian, or custodian of a student enrolled in the school.
School Councils shall adopt rules for its governance; elect their own officers; meet at least once (1) every month outside school hours; and, when deemed convenient, may request professional or technical advice from the Regional Office of Education.

School Principals shall not preside over School Councils; however, they may vote on the deliberations thereof and, as school chief executives, shall enforce the agreements that said body adopts with regard to matters under its jurisdiction.

The Secretary shall direct the dissolution of any School Council that is inactive for three (3) months or more, or that fails to comply with the provisions of this Act or the regulations adopted thereunder. He shall further provide what pertains to the election of a new School Council within a term not to exceed thirty (30) business days, to be counted from the dissolution date of the School Council.

Section 6.05.- Functions of the School Council.

In addition to those prescribed through regulations, the School Council shall have the following functions:

a. To set the school’s academic goals that are consistent with the educational policies and state academic achievement standards.

b. To identify the educational needs of the students who attend the school.

c. To devise a school and academic improvement plan.

d. To encourage the involvement and collaboration of parents and the community in the school’s educational efforts.

e. To provide alternatives and recommendations that support educational efforts.

f. To participate in the development and implementation of curricular and/or extracurricular activities and/or programs.
g. To promote the conservation and/or renovations of school facilities and equipment.

h. To propose measures and initiatives that promote school coexistence, equality, and peaceful resolution of conflicts in all aspects of life whether personal, family, and social.

i. To identify the unique needs of the school community and the general community.

j. To identify and establish partnerships with nonprofit organizations, the third sector, educational institutions, companies, and State agencies and instrumentalities to provide extracurricular activities, health services, and educational and cultural activities, among others, after school hours.

k. To coordinate and conduct campaigns on suicide, bullying, human trafficking, contagious diseases, and suicide prevention or campaigns to promote healthy lifestyles.

l. To evaluate and authorize the disposition of funds generated as proceeds from the sales made by agricultural education programs and/or programs that specialize in agriculture, for the purpose of improving agricultural projects in the school farm and for other purposes that are consistent with this Act.

m. To collaborate in communication efforts with the school community to ensure the broad dissemination, through formal and electronic channels, of all that pertains to: academic content, curricula, educational and teaching materials, activities, partnerships, programs, initiatives, as well as to health, safety, or emergency situations.

n. To ensure that student participation in the various activities, partnerships, programs, projects, and initiatives requires clear and explicit written consent from the parents or legal guardians.
Section 6.06.- Civil Liability of School Council Members.

School Council members shall be held harmless of any personal civil liability for their actions or omissions in the discharge of the obligations of their office, as defined by the law and the regulations that govern the Puerto Rico Public School System. Nevertheless, no School Council or member thereof, shall claim immunity under this Section for actions that intentionally impair the rights of the teaching and non-teaching staff of the Department or the students of the Public Education System.

Section 6.07.- Student Council.

Every school shall have a Student Council. The students of each school shall decide on the composition of their Student Council pursuant to the guidelines and regulations adopted by the Secretary. The Student Council shall be the official representative of the student body of a school before the Regional Office of Education, the School Principal, the School Council, the faculty, and the community. As such it may:

a. Organize and participate in academic enrichment activities in accordance with the rules and regulations in effect.

b. Convey the opinions and concerns of the student community and offer alternatives on matters of interest for the school.

c. Develop and promote student participation in the school and the community.

d. Organize and establish youth cooperatives jointly with the personnel of the Department and pursuant to the regulations and provisions that govern such matters.

e. Inform students about the various activities to be conducted at the school.
f. Propose to the School Council the establishment of clubs, such as the United Nations Club, Boys and Girls Scouts, among others, and the offering of extracurricular activities that they may be interested in.

The Student Council shall be selected each year by the school’s students, through a secret vote, during the second week of September. The School Principal shall be responsible for ensuring strict compliance with this initiative.

Section 6.08.- Sale of Agricultural Products, Works of Art, and Personal Property.

Schools attached to the agricultural education program or with programs that specialize in agriculture or self-employment programs for students with disabilities which foster their ability to be financially self-sufficient, manage money, and other skills necessary to transition to employment, shall retain ninety percent (90%) of the total proceeds of their sales in their bank accounts and may use them to improve the agricultural projects conducted in the school farms and for other purposes consistent with this Act, upon previous authorization from the School Council.

Each year, schools with programs specialized in visual arts shall carry out an activity open to the community and the general public that, among other things, provides an opportunity for the sale of the visual arts pieces created by their students deemed to be works of art. Also, the sale of products, personal property, works, and activities made, elaborated, or created by students of other schools with specialized programs as well as career, technical, or sports schools is hereby authorized. Students subject to this Act shall receive basic business administration and marketing training pertinent to their area of study. Except as provided in the first paragraph of this Section, the proceeds from the sale shall be used for the benefit of the student, as a priority, or otherwise, with the explicit consent of the student and his parents, for the acquisition of supplies necessary for the creation
and exhibition of art in visual art schools; or to make, elaborate, or create products, personal property, works as well as carry out activities in career, technical, and sports schools pursuant to the regulations approved. The School Principal of each school, respectively, is hereby empowered to approve a series of rules and regulations for the implementation of this Section.

It is provided that the proceeds from any sale of any program shall be allocated as follows: ninety percent (90%) of the total proceeds from the sale shall be allocated to the development of the appropriate program; and the remaining ten percent (10%) shall be allocated to the school’s fund for administrative expenses.

CHAPTER VII: SCHOOL BUDGET

Section 7.01.- School Budget.

To achieve the purpose of this Act and establish a decentralized Public Education System it is required that, at least, seventy percent (70%) of the budget approved by the Department is allocated to the teaching process in classrooms or activities related thereto.

The Department shall develop a budget model based on the average per-pupil expenditure. The Department shall calculate the average per-pupil expenditure for purposes of the budget and the respective fund appropriation to the Regional Offices of Education, based on the number of students in the Region. When calculating the average per-pupil expenditure, the Department shall take into consideration the following factors: 1) special education; 2) career training; and 3) poverty level, among other factors.

The Secretary shall establish the guidelines for the Regional Office of Education on the use and allocation of funds to schools. The Regional Superintendent shall allocate funds to schools pursuant to the established guidelines. The Department shall grant autonomy to the Regional Superintendent for the allocation of funds to schools, which shall be governed by the general
guidelines established. The Department shall also allocate federal funds for expenses to the Regional Superintendents pursuant to the federal guidelines.

a. Baseline School Budget- The “Baseline School Budget” of each public school shall be the product of: (i) the Baseline Per-Student Allocation, as defined hereinbelow, multiplied by (ii) the School Estimated Enrollment of the appropriate public school, as estimated and certified by the Finance Director of the Department, according to the following protocol:

1. As part of the annual budget process of the Government of Puerto Rico, each Public School shall electronically report to the Finance Director of the Department the public school’s estimated enrollment for such fiscal year, based on the number of students enrolled in the school for the current fiscal year. Based on these estimates, the Finance Director, in conjunction with the Regional Superintendent, shall make his own enrollment estimate for each public school for the fiscal year under budget consideration. The estimate for each public school shall be known as the “School Enrollment Estimate,” and the estimated total number of students to be enrolled in all public schools shall be known as the “Estimated Total Number Students.” If the difference between the per-school estimate and the actual number is larger than three percent (3%), the fiscal budget for the following year shall be adjusted;

2. After the estimated total number of students is determined, such number shall be used as a basis to determine the “Baseline Per-Student Allocation.” The “Baseline Per-Student Allocation” is the result obtained after dividing the (i) “Global School Budget” between (ii) the estimated total number of students;
3. As part of the budget process of the Government of Puerto Rico, the Finance Director shall certify annually to the Legislative Assembly the projected Baseline Per-Student Allocation for the fiscal year under consideration and any difference between such number and the budget for the previous year.

   b. Determination of Additional Cost Factors- If justified through the use of system data, the Finance Director may increase the budget of any public school based on the following cost factors:

   (1) Basic Programs;
   (A) Pre-K to 3rd Grade (Elementary);
   (B) 4th to 8th Grade (Middle)
   (C) 9th to 12th (High)
   (2) Special Programs;
   (3) Special Education;
   (4) Number of students per classroom;
   (5) Conditions of the Physical Facilities;
   (6) Career Programs;
   (7) Specialized Programs;
   (8) Poverty Rate;
   (9) Isolated Community; and
   (10) Any other factor as determined by the Finance Director in conjunction with the Regional Superintendent.

   The Finance Director shall not discriminate against Partnership Schools. To such effect, he shall adopt objective criteria and make efforts to achieve parity between the public schools when allocating funds in accordance with the Additional Cost Factors, bearing in mind that the goal is to provide the school principal with resources that are equivalent to those usually available to private schools.
Section 7.02.- Fund Insufficiency.

If the amount allotted in accordance with Subsection (b) of Section 7.04 of this Act is not sufficient to cover the expenses of a specific public school, the Secretary shall evaluate whether to merge said school with another, after having considered other teaching and student contact hour strategies. The goal is to reduce costs without impairing academic achievement, in accordance with this Act, thus promoting budget and administrative efficiency in the Public Education System of Puerto Rico.

Section 7.03.- Budget Transparency.-

a. As part of the budget transparency principle, the Secretary shall publish the following information annually on the Department’s website:
   1. The itinerary for the budget hearings of each public school;
   2. All collective bargaining agreements and any other agreements entered into with teachers, and the impact these shall have on contact hours between teachers and students, and actual school days.
   3. An itemization of the annual budget allocated per school and per student in accordance with the provisions of this Section;
   4. Any other information the Secretary deems pertinent.

School Principals shall comply with the provisions of this Section by posting the information in the school and community bulletin boards.

Section 7.04.- Disbursement of Funds.-

a. Disbursements to the Department, in accordance with this Section, are payments made payable to the Department to defray Administrative Expenses.

b. Disbursements to Public Schools- Disbursements to public schools shall be made in advance and on a quarterly basis as provided in this Chapter, except for payroll payments which shall be made directly to the Department of Finance. Disbursements and payroll payments shall be published quarterly and
shall be itemized by school, level, and grade on the Department’s website. The published information must guarantee the confidentiality of teachers.

c. Disbursements to Partnership Schools- Disbursements to Partnership Schools shall be made as agreed upon on the appropriate Charter, and shall be made in advance and quarterly as provided in this Section. Disbursements and payroll payments shall be published quarterly on the Department’s website and shall be itemized by school, level, and grade. The published information must guarantee the confidentiality of teachers.

CHAPTER VIII: SCHOOL FACILITIES

Section 8.01.- Authority.

a. The Secretary shall prescribe, through regulations, the plans and strategies pertaining to the use, management, and budgetary matters of all school facilities, including those administered by other government entities.

b. The Secretary shall establish the standards for the construction, repair, maintenance, inspection, and use of school facilities which shall:

   i. Be reasonable and practical;
   ii. Ensure the health and safety of students and staff;
   iii. Contribute to student learning;
   iv. Be based on performance and the established goals; and
   v. Be established in accordance with a professional standards development process endorsed by a professional organization specialized in infrastructure.

   Furthermore, the Secretary shall consult with the community to be affected.
c. The Secretary shall approve any projects and construction plans for school facilities and other Department facilities. Likewise, he shall approve construction or improvement contracts to be entered into with public or private entities, provided that the location is endorsed by a study conducted by an outside professional entity that includes the area’s projected growth and service demands.

d. The Secretary, in consultation with School Principals and Regional Superintendents, shall promulgate operational regulations regarding the procedures and performance of school facilities as well as the evaluation of the conditions thereof, or shall review existing regulations, as necessary, to implement the provisions of this Chapter.

e. The Secretary may create a consensus committee to propose or review standards and regulations pursuant to this Chapter. The committee shall be appointed by the Secretary and shall include various interests, members, and regions, including community and School Council representatives.

f. Effective on July 1st, 2018, the Secretary shall prepare a study prior to the closing, consolidation, and/or reorganization of any school. The aforementioned study shall contain performance indicators that enable the assessment of the school based on each criterion. Such study shall include the following information regarding the school for which a closure, consolidation, and/or reorganization has been proposed:

1. The current student enrollment and projected enrollment for the next five (5) years of the affected school;

2. Infrastructure conditions: the school building’s age and condition, any recent or necessary maintenance, and improvements, and the special characteristics thereof, if any, including whether said school is used as a shelter during emergencies;
3. The school’s academic achievement indicators;
4. The number of employees per category;
5. The operating costs, including the per-pupil expenditure;
6. An academic cost-benefit analysis and the savings achieved through the closure, consolidation, and/or reorganization of the school;
7. The school’s location;
8. The impact the school’s closure, consolidation, and/or reorganization shall have on the students and the community;
9. The disposition of the school, including the description of any proposed or potential use for a different educational program or for administrative services;
10. The effect that the school’s closure, consolidation, and/or reorganization shall have on personnel needs, teaching costs, the administration of transportation services, and other support services;
11. The certified capacity of the recipient school located in the school district of the affected community in order to make room for students upon the school’s closure, consolidation, and/or reorganization;
12. The manner whereby education services shall continue to be provided to the affected students;
13. The projected date for the school’s closure, consolidation, and/or reorganization;
14. A detailed explanation of the reasons for the school’s closure, consolidation, and/or reorganization;
15. Any other information the Secretary deems pertinent.
This study shall be made available to the people in the School District of the school to be closed, consolidated, and/or reorganized. It shall also be made available on the website of the Department of Education. A copy thereof shall also be delivered to the School Principal of the school to be closed, consolidated, and/or reorganized.

The foregoing notwithstanding, if the Secretary determines that the closure, consolidation, and/or reorganization of a school is urgent and necessary in order to maintain the health of the students or the general safety, the Secretary may proceed with the temporary closure, consolidation, or reorganization of such school. In such cases, the closure, consolidation, and/or reorganization of the school shall remain in effect for a term not to exceed six (6) months. Once such term elapses, the Secretary must meet the requirements of this Act in order to extend the closure, consolidation, and/or reorganization of the school beyond six (6) months.

CHAPTER IX: STUDENTS

Section 9.01- Student Rights.

Students should be guided during the development of their personalities and educated to become competent, sensible, and self-educated individuals; persons committed to the common good and to maintaining and defending the principles and human values that every just and democratic society should promote. The goal is to develop critical thinkers of great depth, unselfish men and women who are resilient, upstanding, and genuine, and committed to the sustainability and progress of an Island that needs them. Therefore, all elementary and high school students of the Public Education System have the following rights:

a. To not be discriminated against based on race, color, sex, birth, social origin or condition, or political or religious beliefs as established in Article II, Section 1 of the Constitution of Puerto Rico.
b. To receive a high quality and progressive education that contributes to student success. This includes children and youths who are serving sentences in juvenile detention centers or adult correctional facilities.

c. Every student of the Public Education System who has a physical or mental disability or has special needs shall have the right to receive services as are necessary according to their condition, and to be guaranteed reasonable accommodation consistent with their needs.

d. To be evaluated in order to be allowed to start school before the age of five (5) when a student has been designated gifted, which entails starting kindergarten, first, or second grade according to the results of the evaluation and the recommendation of a specialist certified by the State. Students who are designated as gifted shall be offered acceleration alternatives through strategies that are integrated into the mainstream classroom, as well as other service categories that are pertinent to their unique needs and provided by teachers trained for such purposes, such as, for example, but not limited to, independent studies, home schooling with blended learning, or distance learning.

e. To a bilingual education that teaches them to communicate fluently in Spanish and English, at the very least, which are the two official languages of Puerto Rico. Students who are immigrants or learning Spanish as a second language shall be provided with accommodations inherent to this type of learning, according to their level of proficiency in the official languages. The foregoing shall not be construed as to limit specialized language schools.

f. To be evaluated and graded based on the objective and reasonable criteria officially established by the Department.

g. To transportation and school lunchroom services.

h. To participate in programs and receive services aimed at a student’s development and growth.
i. To take courses in postsecondary institutions subject to the criteria established as part of the collaboration agreements with such institutions.

j. To have the performance of the school’s Principal, teaching, and non-teaching staff periodically evaluated to verify their performance in the discharge of their duties and the relationship between said performance and the academic achievement.

k. To have the classroom work as well as the time-on-task appropriately supervised in order to ensure its focus and quality, and that the necessary corrective measures are taken to maximize the quality of the education provided at the school.

l. To teachers who are qualified and in continuous professional development, who are clearly competent in the teaching skills of the subject they teach; and who are able the keep the students focused on the day’s tasks and have strategies to deal with students who go astray.

m. To enjoy a safe, inclusive, and dynamic school environment.

n. To participate in student organizations and associations, councils, activities, and in other entities authorized by regulations, or in initiatives promoted by the Department.

o. To be regularly and systematically heard so they may express their opinions in a timely, orderly, and respectful manner, while maintaining self-control, and insofar as it does not interfere with the school’s teaching process.

p. To receive an education that leads to the student’s personal development, and prepares him to enter the workforce and contribute to the economic development of Puerto Rico.

q. In the case of left-handed students, to be provided with the necessary equipment and supplies in order to receive a satisfactory education.
r. To have their duties and responsibilities explained regularly and in a timely manner, and to be afforded the opportunity to right their wrongs before being reprimanded.

s. To not be discriminated against based on a physical or intellectual disability; for being a victim of abuse, sexual abuse, or stalking, for being homeless, or for any other reason.

Section 9.02.- Student Duties.

In addition to the duties and responsibilities prescribed through regulations, all elementary and high school students of the Public Education System shall:

a. Observe the laws, regulations, rules, instructions, and directives issued and regularly explained by the academic authorities;

b. Show commitment and proactively engage in their education process;

c. Be punctual and attend school regularly during the school hours established by the Department in order to comply with the curriculum and course of study in effect, and meet all the graduation requirements;

d. Behave appropriately during school hours, as well as during recess and other school activities, whether they are held inside or outside the school, and when using school transportation services;

e. Preserve, take care of, and avoid damaging public property, equipment, and school materials, as well as respect the private property of their classmates, teaching staff, and the community in general.

f. Respect the freedom of expression of other students including, but not limited to, social, political, or religious expressions; and

g. Not discriminate against any member of the school community based on race, color, sex, birth, social origin or condition, or political or religious beliefs.
Section 9.03.- Disciplinary Measures and Sanctions.

a. The disciplinary measures taken by the school’s administrative personnel must be directed at improving student behavior, thereby creating a school environment that is safe and optimal for learning and improving a student’s academic performance. The disciplinary process shall be preventive, progressive, just, and reasonable for rehabilitation and re-education purposes, while upholding the rights of the school community in general. For such purposes, if a student undergoes a disciplinary process or an evaluation by a psychologist or a counselor, said process shall be completed within fifteen (15) days from the commencement thereof.

b. The strategies used to address disciplinary issues or toxic conduct must be directed at repairing the damage done and restoring the respect and peaceful coexistence that must prevail in the school community and, specifically, to reintegrate students into the school community.

c. Teachers shall be responsible for the school’s discipline, both inside and outside of the classrooms, thereby ensuring that students satisfy this requirement. They shall refer disciplinary issues to the School Principal after having exhausted all resources available to them, such as, but not limited to: restorative measures, mediation, interviews, and meetings with the student, his guardian, or the interdisciplinary team, or referring the student to the homeroom teacher, the school’s social worker, or a professional counselor, among others.

d. Before imposing any sanction or taking any disciplinary action, all intervention and counseling resources available to students, parents, custodians, or guardians must be exhausted. These measures must be documented and filed in the student’s record. Moreover, the student subject to the disciplinary measures and the affected party shall always be afforded an opportunity to express themselves and be heard in an orderly, timely, and respectful manner.
e. An out-of-school suspension is an exclusionary discipline practice that should only be implemented under special circumstances and only when the well-being of the students or the school’s community is at risk. Under any other circumstances, school principals shall implement practices that are not exclusionary, such as mediation and restorative practices, among others.

f. The Secretary shall promulgate school discipline regulations in order to ensure that the works of the Public Education System remain uninterrupted, and each Regional Office of Education shall implement the disciplinary practices that are best suited to the particular needs of their students, pursuant to the aforementioned regulations. Such regulations shall be consistent with the applicable laws in our jurisdiction related to minors.

g. Each Regional Office of Education shall submit a copy of the proposed code of conduct to the personnel of the central offices of the Department, before June 1st of each year, for the review and authorization thereof. The codes of conduct shall not be valid or effective insofar as the aforementioned process has been carried out and the approval thereof has been notified in writing to the Regional Office of Education.

h. No student shall be prevented from exercising his right to an education. No corrective measures that harm a student’s physical integrity or violates his dignity may be imposed.

i. The disciplinary measures imposed shall be proportional to the offense and must contribute to improving the student’s conduct.

j. The student’s personal, family, and social circumstances shall be taken into consideration before choosing the appropriate disciplinary measure.
Section 9.04.- Possession of Weapons and Controlled Substances in Schools.

Any student who introduces, distributes, gifts, sells, or possesses any type of firearm or controlled substance, classified as such in Act No. 4 of June 23, 1971, as amended, known as the “Controlled Substances Act of Puerto Rico,” within the school or its surroundings, shall be suspended by the Secretary for a period not to exceed one (1) year according to the particular circumstances of each case and the procedures prescribed by regulations. For purposes of this Section, “any type of weapon” shall include all the weapons included in Act No. 404-2000, as amended, known as the “Puerto Rico Weapons Act,” or any other successor and/or federal law.

“School surroundings” shall be understood as a perimeter of one hundred (100) meters measured from the school premises as these are delimited by a fence or any other boundary marking. The Department, in conjunction with the concerned government agencies, shall provide the suspended student with alternative education options for the duration of the suspension and, once the suspension has ended, shall place the student in the appropriate level and grade.

The legal provisions in effect in our code of laws shall be applied if necessary.

Section 9.05.- Relevance of the Programs of Study.

The school’s programs of study shall conform to the needs and experiences of their students. Principals, teachers, and professional councils shall ensure that the courses taught at the school:

(a) Are relevant to the social, cultural, and geographical reality of their students.

(b) Stimulate the imagination and spark the curiosity of students.

(c) Provide students with opportunities to develop their observation and reasoning skills.
(d) Train students to research information through traditional and electronic means. To such effect, and to the extent that fiscal resources so allow, all public school classrooms shall use learning management systems (LMS) to allow students to acquire IT skills and to provide them with learning activities that improve their technology literacy, which shall be integrated into the public education system curricula.

The Department shall make a sustainability and vulnerability assessment of the technology systems and infrastructure that support the educational services offered in the schools attached to the Department, at least once every five (5) years. This assessment shall enable us to understand the workings of these systems at a technological and operational level and to determine the costs of ownership.

The study shall provide an inventory of the infrastructure’s components such as: the equipment and facilities, operational status, technical and power vulnerabilities, condition and cost of the maintenance and licensure. It shall also identify the human and financial resources allocated for the operation of the infrastructure by identifying the processes and policies that govern the operation of the systems.

The Department shall submit a report to the Legislative Assembly by June 30th, 2019, identifying all the components of the infrastructure, the operating costs, and the resources allocated thereto. The report shall establish whether the current infrastructure is capable of withstanding the present and future initiatives and challenges of the Department. The report shall also include and analyze the recommendations for the optimization and improvement thereof within a term of five (5) years.

(e) Promote healthy physical development by establishing participation requirements for physical education classes and sports activities.
(f) Allow students to expand their vocabulary and develop written and oral communication skills both in Spanish and in English.

(g) Provide students with information and guidance on human development, family relations, teenager problems, and personal finances.

(h) Develop the student’s learning skills.

(i) Include programs directed at meeting the academic needs of gifted students as well as their particular and unique needs by providing enrichment, grouping, acceleration, and curriculum model alternatives that enable these students to learn according to their individual cognitive development.

(j) Include universal values such as trustworthiness, respect, responsibility, justice, kindness, and civic responsibility without interfering with the school’s objectives for the purpose of providing an integrated education by developing positive character traits and social and emotional skills that are essential for everyday life.

(k) Foster the full development of the student’s intercultural competence.

(l) Provide for the development of student’s performance and thinking competencies and skills that enable them to complete the established curriculum.

Section 9.06.- Physical Education.

Schools shall provide students with at least three (3) weekly hours of physical education. One physical education teacher shall be guaranteed for each school. In the case of schools with over two hundred and fifty (250) students, additional physical education teachers shall be appointed for every two hundred and fifty (250) students or fraction thereof. It is further provided that, according to the financial resources available, modern technology tools shall be integrated to provide students with information about physical education. Modern technology tools shall be understood as computers, communications equipment, and audiovisual equipment, among others.
Section 9.07.- Bullying.

The bullying, harassment, or intimidation of students is hereby strictly prohibited within the school property or grounds and in its surrounding areas, during school sponsored activities, and/or in school buses.

a. Bullying: For a situation or disciplinary incident to be classified as bullying, the following elements must be present: (i) a continuous, repetitive, and intentional pattern of verbal, written, or physical acts by one or more students; (ii) intended to cause harm or discomfort; and (iii) where there is an imbalance of power whether real or perceived by the victim. Incidents of interpersonal violence or peer conflicts at the school where the aforementioned elements are not present shall not be classified as bullying.

b. Cyberbullying: Bullying may also be carried out through electronic communications or messaging including, but not limited to, text messages, emails, photographs, images, and social media posts using electronic devices such as telephones, mobile phones, computers, and tablets, among others.

c. Duty to Notify: Any person who is aware of a bullying situation between students shall notify the school staff in order for the latter to make the pertinent evaluation and determination as to whether such case shall be classified as bullying. If, based on the evaluation, it is determined that there was no bullying, a written document shall be submitted to such effect including the grounds for such decision and the supporting evidence. The school staff shall report to the pertinent law enforcement authorities any bullying cases where the safety and wellbeing of the student or school community is threatened. Moreover, precautionary measures shall be taken as appropriate. These actions must be taken in conjunction with the regional staff, provided that the circumstances so allows, while following the protocols established by law or regulations.
d. Resolving Incidents: In general, cases of bullying shall be addressed by school staff in order to repair the damage caused, thus restoring any strained relationships between school community members, and rehabilitating the parties involved while following the applicable protocols and regulations. If necessary, the process to refer the situation to the relevant authorities shall begin.

e. Cases Involving Special Education Students: Educational institutions shall be governed by the disciplinary procedures contained in the “Special Education Procedures Manual” whenever a student registered in the Department’s Special Education Program is involved in a bullying case.

f. Duty to Inform: The Secretary shall inform the students of the Public Education System about the provisions of this Act and/or the regulations or rules related to the ban on bullying, through the authorized staff. The Secretary is hereby authorized to make these documents available to any private school in Puerto Rico in order to comply with the public policy set forth in our code of laws to eliminate harassment and intimidation from our educational institutions.

g. Any student, staff member, or volunteer of a public school who submits a report, in good faith, containing an account of a bully harassing or intimidating another student shall be protected from any harm or retaliation resulting from reporting such incident.

h. The Regional Superintendent, in conjunction with the School Principals and School Councils, shall provide public school employees and students with an opportunity to participate in training programs, activities, and workshops designed and developed to acquire the knowledge and tools related to the public policy set forth in this Section on harassment and intimidation between students or school staff. Likewise, social workers and professional counselors shall have the responsibility to advise students on harassment and intimidation and shall offer counseling to both the bullying victims and the bullies.
i. The Secretary shall submit an annual report to the Legislative Assembly, per school, on the bullying cases reported.

Section 9.08.- Students with Asthma, Diabetes, or other Health Conditions.

It is provided that the Secretary of Education shall issue a Circular Letter setting forth the public policy of the Department on students with asthma, diabetes or other health conditions that affect them.

Through the Nurse’s Office and Health Program, and using as a guideline the Circular Letter issued by the Secretary, each Regional Office of Education shall establish and implement in the schools of the Public Education System a program to manage conditions such as asthma and diabetes, and hearing and visual impairments as well as medical emergencies that may arise in connection with the students with these conditions. Through this program, each Regional Superintendent shall ensure that the health of the children enrolled in the Public Education System is not vulnerable to unfavorable or unfortunate situations due to a lack of orientation as well as provide for the prevention and proper and timely care of their unique health conditions. Likewise, the Secretary, in conjunction with the Department of Health, the Head Start program of the Department of the Family, and healthcare professionals from the private sector, as designated by the Secretary, shall design and adopt, through regulations, a protocol to manage student medical emergencies related to the health conditions provided in this subsection, which shall include, but not be limited to:

a. Training teachers and school staff on how to identify an emergency situation related to any of the aforementioned health conditions, the signs and symptoms thereof, and who to contact immediately in an emergency. Such trainings shall be provided annually.
b. Training teachers and school staff on how to assist in and ensure that students, authorized under Act No. 56-2006, as amended, known as the “Act for the Treatment of Schoolchildren with Asthma, Diabetes, and other Diseases,” and the regulations thereunder, self-administer medications correctly in the event of an emergency related to their condition.

Noncompliance with the provisions of this Section may entail penalties pursuant to the standards, directives, rules, and regulations promulgated by the Secretary.

Section 9.09.- Optional Scout Training Program for Public School Students.

Scouting is a self-education movement for children and youths. This movement helps participants to develop their physical, intellectual, emotional, social, and spiritual abilities as individuals and members of this society, thereby preparing them to build a better world. The scout movement is not a substitute for school, but rather complements it by providing assistance in areas where schools are unable to reach due to a lack of resources. Integrating the scout movement into the education is intended to provide it as an option that shall contribute to the full development of independent, loyal, responsible, and committed persons.

Public schools shall establish scout training programs for students at their own discretion. Educational materials and activities related to scouting and the values promoted by this civic initiative may be integrated into the social studies curriculum or any other curriculum, as deemed convenient, for purposes of promoting the scout movement. Likewise, schools that participate in this program shall support the creation of Girl Scout and Boy Scout Troops in such schools with the collaboration of parents and community leaders.
Section 9.10.- Health-related Services.

The Department shall establish partnerships with third-sector entities, and state agencies and instrumentalities that offer health-related services in order to conduct workshops and educational campaigns on healthy lifestyles, good nutrition, depressive disorders, and prevention of infectious diseases and suicide. Student vaccinations shall be likewise coordinated with these entities during seasons with a high rate of infection with the consent of the parents. Moreover, awareness campaigns on the importance of oral hygiene shall be conducted at the beginning of the school year in conjunction with the Department of Health and the School of Dental Medicine at the Medical Sciences Campus of the University of Puerto Rico, and any other entity or company engaged in oral hygiene.

CHAPTER X: SPECIAL EDUCATION

Section 10.01.- Rights of Special Education Students.

Any student of the public education system with a physical, intellectual, or sensory impairment or disability shall have the right to receive the services necessary for their impairment, in accordance with federal and local laws in effect, and subject to the provisions of federal and state laws pertaining to students with disabilities. It is the public policy of the Department of Education that students with disabilities receive a free and appropriate public education based on an evaluation especially designed to address their unique needs in the least restrictive environment.

The provisions herein contained are complementary to any other pertaining to students with disabilities.

Section 10.02.- Transition and Integration.

The programs of the Department shall ensure an appropriate transition for students at their different stages. These processes shall facilitate the adaptation or integration of persons with disabilities to a new environment, from early
intervention to preschool; to school; to the workforce; and to an independent life or to a postsecondary education.

Thus, the educational services and the reasonable accommodations offered to special education students shall be provided in mainstream classrooms, insofar as the unique needs of these students so allow. The teacher must collaborate and enable the integration of the special education students into the classroom.

Section 10.03.- Inclusive Classrooms.

The public education system shall be inclusive and students who are eligible for the special education program shall benefit from environments that are tailored to their needs and abilities. Educational and related services shall be provided in the least restrictive environment possible for the student who shall receive them.

The establishment of admission processes that take into account students’ disabilities shall be prohibited in public schools.

Teachers shall continuously include activities geared towards raising the students’ awareness of the needs, realities, and particularities of special education students, in order to foster their empathy and understanding. Likewise, school principals, in conjunction with the school council and nonprofit entities, the third sector, and other companies and corporations, shall carry out activities and orientations for such purposes.

Section 10.04.- Duties of the School Staff.

It shall be the duty of the officials of the Department to guarantee and protect the rights of special education students by providing them with educational services and reasonable accommodation, and by making the rendering thereof feasible. Upon the identification of such service, it shall be requested to the pertinent authority within a term not to exceed seventy-two (72) work hours. Likewise, a determination shall be made within a term not to exceed seventy-two (72) work hours as of the receipt of the request for services. The Department shall
provide the service within the shortest time frame possible, which shall not exceed sixty (60) business days, except under special circumstances. In turn, the Department shall notify the father, mother, guardian, or custodian of the steps taken to procure the equipment.

Section 10.05.- Administrative Processes.

The administrative processes of the Office of the Assistant Secretary for Integral Educational Services for Disabled Persons must be efficient and streamlined so as to not impair or hinder this population’s right to education and the services it receives.

Section 10.06.- Special Education Program.

The Department and the Regional Offices of Education shall maintain a special education program according to the standards established by the Office of the Assistant Secretary for Integral Educational Services for Disabled Persons.

Each Regional Office of Education shall guarantee that an Individualized Education Program (IEP) is designed and drafted for each student in a special education program. The individualized education program is a written document that shall be designed, revised, and drafted by the multidisciplinary Programming and Placement Committee (SEPPC), pursuant to IDEA and the applicable Regulations thereunder. The aforementioned program shall establish the specialized education services and any related services that each student shall receive, and that the Department and the Regional Offices of Education are required to offer.

The Department shall ensure the availability of the specialized multidisciplinary equipment necessary to design the IEP according to the specific needs of the students.
Section 10.07.- Academic Programs.

The academic programs of the Department are hereby directed to take into account the population of special education students. It is the responsibility of School Principals that the services provided in our schools are aligned with the needs of our students within an inclusive environment.

The aforementioned shall be carried out without impairment to the academic autonomy of the Office of the Assistant Secretary for Integral Educational Services for Disabled Persons to develop specialized programs for students with disabilities.

Section 10.08.- Modified Diploma and Certification.

Students who receive special education services in mainstream classrooms and meet the high school graduation requirements shall receive the school diploma issued by the Department upon completing the twelfth grade. The Department shall develop the necessary mechanisms to issue a modified diploma or certification, as provided by Act No. 53-2016, known as the “Functional Academic Skills and Pre-Employment for Students with Disabilities Certification Act,” to those students who, due to their disability, did not meet the academic requirements of a regular high school diploma, but are prepared to practice a trade. This modified diploma or certification shall attest to the abilities, talents, skills, and competencies of the person with disabilities who shows his eligibility for employment. In the case of modified diplomas, they shall be accepted by higher education institutions when the student is determined to pursue a career or technical career. It is further provided that the Department shall issue a Modified Diploma to those students in the Special Education Program who earn credits in mainstream courses.
Section 10.09.- Complaints and Provisional Remedies Unit of the Secretary.

A. Complaints

The Department shall maintain a centralized complaint system to address, firstly, any dispute that arises in connection with special education services. This mechanism shall be available to parents, students, and officials. The aforementioned shall not impair their right to sue. To such effect, the Secretary is hereby empowered to promulgate the pertinent regulations.

The Secretary is hereby expressly empowered to promulgate the pertinent regulations, and to award attorney’s fees to the prevailing party of a process, in accordance with the applicable code of laws.

B. Provisional Remedy

A provisional remedy mechanism is hereby established to guarantee that the father, mother, guardian, or custodian is provided with the alternative to contract related services that the Department has not been able to provide the student with, because the services are either not available or were not coordinated or rendered promptly. In order to use this mechanism for service rendering, such service must be included in the Individualized Education Program.

The Secretary is hereby empowered to establish the rules to use this mechanism and to contract with service providers, which shall include compliance with the provision regarding the furnishing of information and the standards for the contracted services. Likewise, the fixing of fees based on market prices is hereby authorized subject to the provisions of federal and state laws and regulations concerning the rights of persons with disabilities.

Section 10.10.- Reports and Monitoring.

The Office of the Assistant Secretary for Integral Educational Services for Disabled Persons shall maintain a centralized data monitoring and collection mechanism.
Department officials, service providers, and all other individuals or organizations engaged in the rendering of special education services shall be required to furnish any information as requested, in the format and through the mechanism established.

The information to be furnished shall allow for the evaluation and assurance of the educational services to be rendered to each student with disabilities.

Section 10.11.- Budget.

The Office of the Assistant Secretary for Integral Educational Services for Disabled Persons shall be entrusted with drafting a budget proposal that ensures the rendering of services to the students with disabilities, based on the needs of the students and our obligations to them.

Based on the resources allotted to address the needs of students, the Department shall make allocations to the regional offices of education that ensure compliance with the obligation of providing education and services to students.

Section 10.12.- Penalty.-

Noncompliance in connection with the rendering of special education services has a significant impact on the student’s life. For such reason, any action or omission by an employee or official with respect to the discharge of his duties which action or omission entails the unavailability of services to a student shall be sufficient cause for the immediate dismissal of such employee or official, or the immediate cancellation of a service contract.

CHAPTER XI: PARENTS, CUSTODIANS, AND COMMUNITY IN GENERAL

Section 11.01.- Rights of Parents, Guardians, and Custodians.

The freedom with which parents, guardians, or custodians shall raise, teach, and care for their children is recognized as a fundamental right. The Public Education System shall seek to involve parents, guardians, or custodians in the full education process of their children by establishing that the schools have an
ancillary function rather than serve as a substitute for parent’s responsibilities. Therefore, the parents, guardians, or custodians of the students of the Public Education System shall be entitled to:

a. Not be discriminated against based on race, color, gender, birth, origin, social class, or political or religious beliefs, as established in Article II, Section 1 of the Constitution of Puerto Rico.

b. Receive information on the academic performance of the students and all that pertains to their education.

c. Regularly receive and have access to information on the school’s academic and administrative performance in a clear and transparent manner.

d. Demand a quality education in benefit of the students that includes one hundred eighty (180) instructional days consisting of six (6) daily hours where their child is taught by a qualified teacher in the respective subject and level of the child.

e. Demand a safe, inclusive, and dynamic school environment.

f. Request transportation, school lunchroom, health, individualized studies, and reasonable accommodation services and any other service provided by the Department to satisfy the needs of the student. Any denial or delay shall be clearly explained.

g. Be afforded an opportunity to express their opinions in a timely, orderly, and respectful manner, at least once a month and in the event of an emergency or crisis, provided it does not interfere with the teaching process at the school.

Exclusively select the form and manner in which their children shall be educated on sexuality and affection.
Section 11.02.- Duties of Parents, Guardians, and Custodians.-

Parents, guardians, or custodians of students of the Public Education System shall:

a. Be involved actively and continuously in the education journey of the students by fostering learning, participation in school activities, attending parent-teacher meetings, and meetings called by support and administrative staff.

b. Timely request meetings with the teachers and the School Principal.

c. Recognize and respect the school authority as well as the laws, regulations, and rules that govern the school, and to follow and observe them.

d. Avoid interfering and hindering the student’s learning process. To such effect, the Department shall notify the parent, guardian, or custodian of any situation, action, or omission that interferes and hinders the student’s learning process.

e. Complete the enrollment process by filling or filing on time the documents necessary for enrollment as well as any medical evaluation or certification required by law.

f. Maintain the contact information furnished to the office of the School Principal and the teachers up to date in case the school authorities have to contact them. Moreover, the student records shall be kept updated with any pertinent medical or psychological evaluation to enable any necessary accommodation.

g. Reply promptly to any meetings or school activities called by the school staff and attend them, provided that these have been notified with reasonable time in advance pursuant to the urgency that the situation warrants.

h. The parents, guardians, and custodians of the students shall be responsible for visiting the school at least twice (2) per semester in order to learn about the academic performance and achievement of the student. If parents, guardians, and custodians fail to attend the meetings called by the school and such
failure constitutes a pattern of recurring absences, the School Principal shall 
forward such information to the social worker. For purposes of this subsection, a 
pattern of recurring absences shall mean three (3) or more absences a year where 
there are no circumstances warranting the absence. The social worker is 
responsible for conducting the corresponding investigation according to the 
applicable protocols, regulations, and legislations, in order to determine if a 
referral to the Department of the Family is so warranted. If it is determined that the 
referral is so warranted, the Department of the Family shall call a meeting with the 
social worker thereof within the next five (5) days and devise a plan of integrated 
services within a term not to exceed fifteen (15) days. Such service plan shall 
include the student record and a monthly progress report.

i. Be responsible for instilling in their children values such as respect, 
care, and responsibility toward the school community and property. Such values 
include the duties to maintain and return to the school at the end of the school year 
or when so requested, in good condition, any books, supplies, equipment, and 
computers lent to them for studying purposes.

j. Participate in after-school activities carried out in the school facilities.

k. Receive training and orientations on the different aspects that can 
contribute to improving the student’s academic achievement and development of 
skills, talents, and interests, as well as their own learning experiences.

Section 11.03.- Third Sector.

Education is a task that concerns all of the components of the civil society. 
Achieving excellence in education requires the involvement and collaboration of 
trained persons and entities that are committed to the future of Puerto Rico. For 
such reason, the Department establishes as public policy a stance of openness and 
collaboration with the various entities that constitute the Third Sector. Different 
partnerships and collaboration agreements shall be identified, promoted, and
established with these entities that shall inure to the benefit of the students, the school community, and the general community.

For such purposes, the “Community Involvement Program” is hereby created attached to the Office of the Secretary of the Department, which program shall have the following objectives:

a) To foster voluntary work, collaboration agreements, and community involvement in curricular and extracurricular activities.

b) To identify, promote, and establish partnerships with nonprofit entities, the third sector, educational institutions, businesses, agencies, and instrumentalities of the State to provide extracurricular activities, health services, and educational and cultural activities, among others, that contribute to improving our education and society.

Moreover, the Department shall establish corporate partnerships to allow any corporation interested in developing corporate social responsibility projects with Puerto Rico’s public schools to offer their services free of charge.

(c) To work in conjunction with the agencies and instrumentalities of the State and third-sector entities to transform school facilities into vibrant centers of community, cultural, and recreational development that integrate citizen participation from the youngest children to the elderly population.

(d) To coordinate trainings and orientations for parents or custodians on the different aspects that contribute to improving the student’s academic achievement and development of skills, talents, and interests as well as their own learning experiences.

(e) To identify potential extracurricular activities and programs to be offered to students and the school community, in addition to coordinating with regions and schools to facilitate the offering of these activities and programs as extended learning time.
(f) To work in conjunction with the School Counselor on suicide, bullying, and human trafficking prevention campaigns.

(g) Any other functions to be entrusted thereto by the Secretary that inure to the benefit of the student, the school community, and the general community.

The Secretary shall prescribe through regulations the rules that shall govern the program established herein.

CHAPTER XII: CAREER, TECHNICAL, AND ALTERNATIVE EDUCATION

Section 12.01.- General Provisions.

The Career and Technical Education Program of the Department shall provide all students with access to career and technical education with a rigorous, pertinent, coherent structure that is aligned with the industry and meets the standards, skills, knowledge, and attitudes that it warrants. The Program shall respond to the needs and realities of today’s Puerto Rico, as well as the global demands and trends. The contents of the program shall seek the development of the skills and competencies of the students so as to allow them to join the workforce and satisfy the needs of the Puerto Rican market and economy, and those that we would wish to tap into across the world. The development of services as well as academic and career curricula, and the establishment of collaboration agreements with businesses and postsecondary institutions shall be promoted to guarantee the aforementioned offerings; and students shall be afforded an opportunity to obtain a certificate of skills, a credential, a license, or a degree.

Section 12.02.- State Board for Career and Technical Education.

The State Board for Career and Technical Education is hereby created in accordance with the requirements established by the US Department of Education to access funds under the “Carl D. Perkins Career and Technical Education Improvement Act of 2006.” This Board shall be the entity responsible for evaluating the effectiveness of career and technical education and for ensuring that
the programs of study of the Magnet Schools and postsecondary institutions of the Department meet minimum industry-standards. This shall require the Board to collect proper data and take appropriate measures to guarantee that:

a. The career and technical education is equally available to every student and that the quality of such education is constant throughout Puerto Rico;

b. The duration and contents of career and technical education is coordinated in a correct and flexible manner with the academic education;

c. Career and technical education is available to the whole student community, particularly in areas where unemployment is high, or the need for career retraining is warranted;

d. Career and technical programs as well as the courses that compose the programs of study are useful to allow students to find a job or improve the quality thereof upon graduation;

e. Career and technical programs are coordinated with state programs pertaining to education and skill-building; this includes: guaranteeing that graduate students from a career and technical program be properly credited to meet the requirements of apprentice programs and professional licenses for the purpose of enabling these students to pass the professional licensure exams;

f. Regional career and technical education services are provided efficiently;

g. Curricula and/or alternative standards are developed so as to allow the inclusion of students with disabilities and that the funds may be used to render the services required by the IEP, as provided in the federal legislation.

The Secretary shall establish through regulations the composition of the State Board for Career and Technical Education as well as its internal procedures, in accordance with the applicable laws.
Section 12.03. - Funds for Programs of Study and Technical Education.

The Secretary shall appropriate and allocate state and federal funds to the Career and Technical Education Program of the Department. The Secretary shall establish through regulations the standards of evaluation on the equitable use, management, and distribution of the funds in accordance with the needs of each school through data validation. Any appropriated funds shall be allocated to provide direct student services and to attain a coherent and organized education that allows for the development of highly technical skills in order to enable them to enter the labor market effectively.

It is hereby established as public policy to prohibit discrimination by reason of academic index when applying for enrollment in any Career and Technical Education Programs.

Section 12.04. - Programs for Noncredit Exploratory CTE Course Offering.

Noncredit exploratory CTE course offerings shall be geared to sixth, seventh, and eighth-grade students, as fiscal resources so allow, provided that they respond to the needs of the current economy. These programs shall have a one-year effectiveness and the requirements thereof shall be established by the Department. The main purpose of these courses is to introduce students in such school grades to career exploration experiences that guide them when deciding on a career and prepare them to face new challenges critically and creatively. The student is expected to identify career paths that would lead him to enroll in a CTE magnet school and, subsequently, be prepared to enter the labor market successfully, with a high-wage, high-employability, and certified.
Section 12.05.- Career and Technical Education Magnet Schools (CTE Magnet School).

a. A Magnet School, according to this Act, is a focused-specialty school (magnet school) in accordance with the US Department of Education. The focus of these schools shall be to establish a special curriculum and promote the enrollment of students from different school regions (hence the name “Magnet”) with defined interests. The CTE Magnet School shall provide various academic and career curricula through different Programs of Study. Each Program of Study shall comprise clusters established for the development of the labor force, and career pathways driven by ongoing industry innovation, according to the geographical region of Puerto Rico.

b. The Programs of Study (POS) comprise the career education offered in each Magnet School. The design, sequence, and requirements of the Programs of Study shall reflect the integration of academic and career disciplines aligned with the clusters established by the US Department of Education, in accordance with the needs of the industry of every geographical region as well as those of the labor force.

c. Every CTE Magnet School shall establish and identify in its local plan the strategies to be included in the curriculum. For purposes of this Act, project-based learning, work-based learning, the apprenticeship program, college or technical preparation articulation, student organizations, and entrepreneurial development shall be deemed to be strategies.
Section 12.06.- Magnet Schools Career Education Strategies.

a. The strategies that shall be included in the career education curriculum of every Magnet School are the following:

1. Project-Based Learning (PBL): Through this strategy project-based learning shall be promoted. This strategy shall allow programs of study to offer an education where every student is responsible for developing his own learning by facing challenges when working on projects.

2. Work-Based Learning (WBL): This strategy includes a sequence of activities that aligns theoretical knowledge obtained in the classroom with real on-the-job experiences.

3. College or Technical Preparation Articulation: With this alternative, the postsecondary education curriculum shall afford students an opportunity to take courses in postsecondary institutions through articulation agreements in two ways: dual enrollment and credits earned in both levels. These courses shall be credited at the high school level as credits earned towards graduation, as established in the public policy of the Department.

4. Student Organizations: In each Magnet School, there shall be established a local chapter for each appropriate student organization, integrated into the course program, and the participation of all students in this chapter shall be required. Each student organization uses a practical learning approach, whether it is leadership training or competitive events. Teaching strategies are used to develop, improve, and expand career- or technically-specific competencies, thus enhancing teaching relevance. Moreover, it allows students to actively participate in leadership readiness and personal skill building events, which shall enable them to gain employment, become productive citizens, and assume positive roles within the community and their homes.
5. CTE Skills Assessment: The Department shall establish a reliable skill assessment program based on industry-specific standards.

6. Apprenticeship Program: Through Programs of Study, the Department shall establish learning programs whereby on-the-job training is combined with academic education for career and technical education students who are about to graduate and enter the workforce. This program shall also allow for the establishment of a dual training by combining career components and hands-on industry work.

7. Partnerships, Community Services, and Collaboration Programs: Schools shall promote the establishment of partnerships between the Regional Offices of Education, higher education institutions, adult education providers, entities as employers, labor organizations, intermediaries, parents, and local associations, public and private government entities that allow for the development of career, technical, and professional skills of the students. Partnerships, services, and collaboration programs shall be regulated by the Department taking into account the modern labor market.

8. CTE School-based Enterprises; Establishment of the CTE Student Entrepreneurial Development Loans and Grants Access Fund:

   i. CTE School-based Enterprises: through the establishment and operation of school-based enterprises we seek to safeguard, broaden, and develop real work scenarios as part of the integral development of CTE students. These school-based enterprises constitute an additional WBL educational strategy for students to develop career-oriented skills and employability according to their program of study.

   ii. CTE Student Entrepreneurial Development Loans and Grants Access Fund: This fund shall nourish from the funds generated by the school-based enterprises. Profit-sharing shall be established through regulations, as
provided by the Department, taking into account that the percentages shall be equitable and fair, mainly for the benefit of students and the school. Furthermore, the fund to be developed shall allow for the granting of student grants, special scholarships, and loans for the development of their first business.

Section 12.07.- Technical Education Program.

The Technical Education Program includes services at the postsecondary level which are offered by the Department through accredited higher education institutions in order to obtain a technical certification or associate degree. Technical Education promotes the development of technical skills as well as an effective transition to the world of employment, aligned with the social, economic, educational, and work reality of Puerto Rico.

The organization and the offering of Technical Education shall be established by the Secretary.

Section 12.08.- Technical Education Program Governing Board.

Postsecondary education institutions of the Technical Education Program shall be governed by the Technical Education Program Governing Board to be comprised by the Secretary of Education, the Assistant Secretary of Career and Technical Education, the Administrative Director of Technical Education, the Teaching Director of Technical Education, the head of the Associate Office of the Secretary of the Special Education Program, one representative of the directors of postsecondary institutions, one student representative, one teaching staff representative of each of the postsecondary education institutions or centers that are currently under the jurisdiction of the Department of Education, and five (5) representatives of the private sector. The powers, member selection, duties, and responsibilities of the Governing Board shall be promulgated by the Secretary through regulations.
The Governing Board shall have administrative, teaching, and fiscal autonomy and shall govern the operating processes of its revenue accounts, in accordance with regulatory provisions. The Board shall supervise the general operations of the postsecondary education system by exercising its autonomy and shall establish the bylaws that shall govern all of its campuses. Furthermore, it shall draft, revise, and approve guidelines that shall govern the orientation and development of all of the components of postsecondary institutions.

Section 12.09.- Career, Technical, and Agricultural Internships and Apprenticeships.

Agreements shall be entered into with third-sector entities, businesses, and corporations concerned with technical and agricultural careers and occupations, as well as with State agencies and instrumentalities such as the Department of Labor and Human Resources and the Department of Agriculture, to offer internships and apprenticeships to students. These internships shall allow students to value the importance of these agricultural careers and occupations. It shall also allow them to be acquainted with the tasks that they may potentially carry out someday as well as with the communities they serve.

Section 12.10.- Alternative Education.

Through the Office of the Secretary, the Department shall offer educational and support services to the regular adult population and to the at-risk children and youth population.

It shall offer innovative programs during regular and extended hours, to develop various academic and social skills. These offerings shall reflect the demands of the labor market, including the importance of English language proficiency at a conversational level, and shall be aligned with the needs of today’s Puerto Rico.
For such purposes, the Department shall continue to offer educational services to the at-risk children and youth population through specific service centers such as the *Alianza para la Educación Alternativa, Centros de Servicios de Apoyo Sustentable al Alumno*, better known as “Proyecto C.A.S.A.,” among others.

These Alternative Schools shall have the following standards:

a. Recruiting and admission.

b. Learning environments.

c. Integral development of participating students and their learning.

d. Program content design.

e. Assessment of organizational effectiveness.

f. Organizational competency.

g. Partnerships and collaborations.

h. These schools may receive any international, federal, or state accreditation available for the various programs.

[12.11. - Montessori Schools.]

The Montessori Method is a method of education characterized by its emphasis on self-directed activity, on the part of the child, and clinical observation, on the part of the teacher. The purpose of this method is to unlock the potential of each student to enable their self-development in an orderly environment. Hence, the school is not a place where teachers transmit knowledge, but rather a place where children develop their cognitive and psychological skills by working freely with specialized teaching materials.

It is hereby established that schools that, as of the date of approval of this Act, are using this method shall remain open offering services to the community they serve and such schools may only be relocated in the event that they lack sufficient students in said community or that the conditions of their physical
facilities are not suitable for students. In these cases, students of the Montessori Program shall be relocated to the nearest possible school of the same level and capacity.

The Department shall continue to promote the expansion of the Program to other schools, subject to the formula established annually for each student.


It is hereby provided that any Specialty Schools that are established as of the date of approval of this Act may not be converted into Partnership Schools, given that these schools comply with the Academic Excellence parameters established by the Department.

The Department shall guarantee that Specialty Schools have the necessary resources to defray their operations; provided, that the parameters for the baseline per-student allocation provided for in this Act are complied with. The Secretary may allocate additional resources, if necessary, through federal or state funds, and private sector grants or sponsorships for new equipment or improvements to the facilities.

CHAPTER XIII: PARTNERSHIP SCHOOLS

Section 13.01. - Partnership Schools.

A Partnership School is: (i) a newly created public elementary school and/or high school that is operated and administrated by a Certified Educational Entity authorized by the Secretary; or (ii) an existing public elementary school and/or high school whose operation and administration is transferred to a Certified Educational Entity authorized by the Secretary, pursuant to the granting of a Charter.
Section 13.02.- General Provisions.

a. A Partnership School is a nonprofit nonsectarian public school that shall operate under the supervision of the Secretary and in accordance with the Charter and the code of laws in effect.

b. A Partnership School shall have autonomy over its decisions including, but not limited to, finances, personnel, schedule, curriculum, and instruction matters. The curriculum shall be subject to compliance with the regulations promulgated by the Secretary for such purposes and the learning standards, and shall be required to use general assessment methods such as the pruebas META.

c. A Partnership School shall be subject to all of the federal laws and the laws of the Government of Puerto Rico, as well as to all constitutional provisions prohibiting discrimination, including against the population of persons with disabilities.

d. Admissions to Partnership Schools shall be open to any student who resides in Puerto Rico. However, students from nearby communities and communities within the regional limits shall have priority for admission thereto. Provided, that the Authorizer may impose limitations on admissions if it is determined that such limits are necessary to avoid overcrowding or to provide a better service to low-income or at-risk students. It is hereby provided that admission may not be denied to a student who meets the requirements for admission included in the Charter solely because the academic year has already started, when the school still has available capacity.

e. When there is a lack of capacity to enroll all of the students interested in attending a Partnership School, the school may select students through a lottery conducted in accordance with the rules established by the Authorizer. However, in accordance with this Act, a Partnership School shall give admission preference in
the student selection to: (i) students who were previously enrolled in the school during the preceding year, unless they have been expelled for a justifiable reason, other than academic; (ii) siblings of currently enrolled students; and (iii) students who reside within the school’s regional limits. If a student is eligible for admission preference, such student shall be excluded from the lottery selection.

f. The Partnership School shall be administered and governed by a board of directors or another governing body of the Certified Educational Entity, as set forth in the Charter. The names of the members of the governing body shall be published annually by each Partnership School on the Department’s website.

g. The Partnership School shall comply with all of the provisions of the Charter and of this Act, and shall be subject to the same demands regarding the protection of the civil rights, the health, and the safety in the public schools of Puerto Rico, except as otherwise provided in this Act. Moreover, the Partnership School shall be subject to the evaluation and accountability requirements which shall be uniform for all of the schools of the Public Education System, including the Partnership Schools. A Partnership School, however, may establish any measures additional to the requirements of the Department for student evaluation provided that the Authorizer so approves and it is so stated in the Charter.

h. Any staff hired by the Partnership School shall be exempt from the application of the laws and regulations that govern any matters pertaining to the employees of the Department, in accordance with the provisions of this Act.

i. Except as provided in the laws of Puerto Rico, Partnership Schools may not charge any enrollment fees or expenditures.

The Partnership School may negotiate and contract with the Department, or the administrative body of any college or university, or public education institute or any other public or private entity, for: (i) the use of a school building and the grounds thereof, or any other real property or facilities it intends
to use or convert to be used as a school; (ii) the operation or maintenance thereof, or (iii) any service, activity, or project geared toward complying with the terms of the Charter. It is further provided that any real or personal property of the State whose use has been transferred through a negotiation or contracting with a Partnership School shall revert to the state’s patrimony in the event that the institution closes down or the contract is cancelled.

j. Any service contract entered into between the Partnership School and the Department, the administrative body of any college, university or public education institution, or any governmental entity for the use of structures, land, or facilities shall be provided for valuable consideration and subject to review and approval by the Secretary, provided that the applicable laws and regulations in effect are complied with.

k. The Charter may not exempt or release Partnership Schools from compliance with the public policy, standards, and evaluations established by the Department.

Section 13.03.- Legal Standing of Partnership Schools.

a. Partnership Schools shall be organized as nonprofit educational entities to fulfill their public purpose.

b. For purposes of Section 2.01 of this Act and all state and federal laws, rules, and regulations, Partnership Schools are components of the Public Education System.

c. Partnership Schools shall be governed by this Act and all applicable state and federal laws.

d. Every Certified Educational Entity shall be required to adopt a code of ethics and a conflict-of-interest policy.
e. Every Certified Educational Entity shall adopt an employment of relatives policy to avoid nepotism in the recruiting and supervision processes. The policy must include the disclosure to the board of directors or other governing body of the Certified Educational Entity of any potential nepotism in the recruiting and supervision processes, among other things.

f. Persons who receive compensation from any service provider contracting with a Certified Educational Entity authorized by a Charter to operate and administer a Partnership School shall be prevented from participating as voting members of the administrative board of said Partnership School.

g. Every Certified Educational Entity shall have access to the records of their service providers to monitor compliance with any contract.

h. The Secretary shall be empowered, in accordance with the rules established by him, to designate a Certified Educational Entity that has been granted a Charter and is operating as a Partnership School under this Act, as a Local Educational Agency, as such term is defined in 34 CFR §303.23.

Section 13.04.- Designation of the Advisory Committee to the Secretary.

a. Appointment of the Advisory Committee. The Secretary shall convene an Advisory Committee on or before July 1st of every year, to be composed of the five (5) directors of the schools of education to be selected from among those who obtain the highest PCMAS pass rates each year. It is provided that the Campuses must be duly accredited.

b. Duties and Powers. The Secretary acting as the Authorizer shall have the following duties and powers:

1. To establish rules and/or regulations that are not inconsistent with this Act, as are necessary to achieve the purposes as well as implement the provisions of this Chapter, including the evaluation and certification of Certified
Educational Entities, and the standards and procedures for the revocation or nonrenewal of Charters; as well as for the administrations of those schools whose Charter has been revoked or not renewed.

2. To establish the rules and/or regulations to determine which Intervention Model is more suitable for each of the Certified Educational Entities authorized under this Chapter that may be subject to intervention in accordance with the terms of the Charter.

3. To establish the rules and/or regulations to apply for Charters and evaluate proposals for Charters submitted by Certified Educational Entities in accordance with the requirements established under this Chapter and the applicable federal legislation.

4. To grant a Charter to the Certified Educational Entity that, in his judgment, submitted the best qualified proposal in accordance with the corresponding evaluation. The Secretary, however, may give preference to the certification of: (i) proposals submitted by Certified Educational Entities that are municipalities, municipal consortia, or partnerships between municipalities and municipal consortia and public universities or nonprofit nongovernmental organizations if the quality of such proposals is substantially equivalent, taking into account the recommendations of the Advisory Committee, for proposals submitted by other Certified Educational Entities; or (ii) proposals focused on models that offer services to special education, at-risk or gifted students, or that provide specialized education focused on innovative educational programs or other special offerings for students.

5. To grant Charters to Certified Educational Entities for the operation and administration of multiple campuses under a single authorization, which Entities may also offer online or distance education subject to the approval of the Authorizer.
6. To hold and exercise direct and exclusive responsibility over those schools to which a Charter is granted.

7. To establish the rules and/or regulations for the annual monitoring of the academic, financial, and operating performance of the Certified Educational Entities that have been granted a Charter, and make a rigorous evaluation of such performance at least every two (2) years.

8. To establish the rules and/or regulations to designate evaluation officials or establish evaluating committees to measure the performance of Certified Educational Entities.

9. To submit to the Governor and the Legislative Assembly an annual progress report on the implementation of this Chapter, as well as of the academic, financial, and operating performance of all Certified Educational Entities and Partnership Schools.

10. The Secretary shall have additional powers as are necessary to carry out the functions delegated in this Chapter.

c. The Advisory Committee of the Secretary shall meet at least once a month for the evaluation of applications submitted by applicants interested in establishing a Certified Educational Entities. Applications shall be evaluated according to the parameters of this Act and taking into account the feedback of the school community. The Advisory Committee, by a simple majority, shall make recommendations to the Secretary on the approval or denial of a Charter to a Certified Educational Entity. The report to be submitted by the Advisory Committee with its recommendations shall state the reasons and grounds for such denial or approval.
If the recommendation is a denial of certification, the Secretary shall call a formal hearing together with the Advisory Committee to hear the statements of the entity adversely affected. Once such requirement is met, the Secretary shall proceed to issue the appropriate certification or denial taking into account the recommendations of the Advisory Committee and the statements made by the affected party at the hearing.

All documents related to the application of an Educational Entity shall be public.

d. Determinations on Applications. The Secretary shall be responsible for reviewing, authorizing, or denying, in whole or in part, an Application submitted by a Certified Educational Entity to be granted a Charter for the operation and administration of a Partnership School. The determinations of the Secretary under this Section may be reviewed by the Court of Appeals within a thirty (30)-day term counted from the date on which notice of such denial was served. It is further provided that such entities may initiate a new process of approval within one (1) year following the determination of denial.

e. Funding. The funds to defray the operating and administrative expenses shall be set aside and included in a clear and specific manner as part of the budget of the Department, when such budget is filed with the Legislative Assembly.

Section 13.05.- Certified Educational Entities.

a. Certified Educational Entity Qualifications. According to the procedures and criteria established by this Act and the Authorizer, the following entities may qualify as Certified Educational Entities to be granted a Charter:

1. A municipality of Puerto Rico.
2. Municipal consortia.
3. Partnerships between municipalities or municipal consortia and other public educational entities or other educational nonprofit nongovernmental organizations. These partnerships may be established according to the different types of legal entities.

4. Public or nonprofit postsecondary education institutions.

5. Nonprofit institutions for elementary, middle, and high school education.

6. Educational nongovernmental organizations or other nonprofit organizations.

7. Nonprofit organizations created by parents or teachers.

8. Teacher organizations, teacher labor unions, or any teacher group duly organized and certified by the Department of Labor and Human Resources pursuant to the provisions of Act No. 45-1998, as amended.

9. Duly organized education cooperatives.

b. Eligibility Requirements for Certified Educational Entities. In order to qualify as a Certified Educational Entity and be granted a Charter to operate a Partnership School, the applicant shall have the following characteristics or meet the following requirements:

1. A proper organizational structure.

2. A strict improvement plan geared toward the academic achievement of students.

3. A team of executive and managerial personnel with the necessary education and expertise to administer, operate, and direct a school.

4. Teaching staff with the pertinent education, expertise, license, and certification; provided, that they fulfill the same requirements established for traditional public schools.
5. A plan to identify and successfully assist students with disabilities.

6. A collaboration plan for parents and the community to be involved in the school, so they can actively participate in educational endeavors.

7. Proper procurement and fiscal, administrative, and teaching operations procedures, as well as an oversight system therefor.


9. Any other requirement that the Secretary prescribes through regulations.

c. Application Requirements. The Secretary shall establish the application requirements and essential elements. In order to encourage and offer guidance on the development of Partnership School applications, the Secretary shall use any methods within his reach to publicly and broadly disclose the application so that entities may participate in the process.

d. Application Evaluation Process. The application evaluation process shall be conducted by the Advisory Committee of the Secretary, as defined in this Act.

e. Determinations on Applications. The Secretary shall issue a written determination approving or denying an application, in whole or in part. If the Secretary’s determination is to deny an application or impose any other condition that the applicant shall meet prior to the granting of a Charter, the Secretary shall state in detail the reasons for such denial or imposition of conditions. If necessary, the Secretary shall be empowered to request in writing that the applicant furnish additional information deemed relevant to make a determination. Said determination shall be duly notified to the entity, which may reapply for certification within a term of one (1) year.
Section 13.06.- Budget and Funding.

a. Budget: Except as otherwise provided in this Section, the budget for every Partnership School shall be determined in accordance with the provisions of Chapter VII of this Act.

b. Allocated Funds: The Department shall proportionally allocate the item of all federal and state funds generated under the assistance programs to the Partnership School that offer services to eligible students, including students with disabilities and at-risk students. The Department shall guarantee that fast-growing Partnership Schools be treated equally in the calculation and disbursement of all state and federal assistance program funds allocated for such purposes. Every Partnership School that offers services to students who may be eligible to receive the services offered under such programs shall meet all the program requirements in order to receive such assistance.

c. Special Education Funding: A Partnership School may receive federal and state funds allocated for special education and shall be responsible for the cost of the education of all students with disabilities who enroll in said school, including any legal defense costs.

d. Funding for Facilities: If funds exist and are available under any state or federal statute or regulation for financing, purchasing, or leasing facilities exclusively for elementary and high Partnership Schools, the Secretary may, in an equal manner and taking into consideration the enrollment numbers and any needs, transfer said funds to Certified Educational Entities for the financing, purchase, or leasing of facilities.

e. Fund Appropriation: When the Secretary grants a Charter to a Partnership School, he shall allocate the appropriate funds to such school and discharge any other responsibilities in connection with such schools as provided in this Act, and in all state and federal laws and regulations, including ESEA.
f. Payment Schedule: The Department shall make annual payments in accordance with this Section, in four (4) substantially equal quarterly installments beginning on the first day of operations in the month of July, and subsequently every four (4) months. The Department shall determine the amounts to be paid under this subsection.

g. Transportation and School Lunchroom Services: The Department shall continue offering students enrolled in a Partnership School that operates in accordance with a Charter, the same public transportation and school lunchroom services offered to students enrolled in other schools administered by the Department.

h. Donations: The board of directors of the Partnership School shall be empowered to accept funds, equipment, and donations of any kind made to the Partnership School and use them in accordance with the conditions stipulated by the donor, insofar as these are not contrary to the Law, the applicable regulations, or the terms of the Charter.

Section 13.07.- Charter.

a. Every Charter granted by the Authorizer shall disclose the terms of the application submitted by the Certified Educational Entity, and shall meet the following requirements:

1. To be signed by the Secretary and the chief executive officer of the Certified Educational Entity.

2. To establish that the education provided by the Certified Educational Entity shall be public, free of charge, nonsectarian, and non-home based.

3. To establish that the education provided by the Certified Educational Entity shall promote bilingual education in Spanish-English and prioritize Science, Technology, Engineering, and Mathematics (STEM) education.
or Science, Technology, Engineering, the Arts, and Mathematics (STEAM) education. Furthermore, it may also have career-oriented curriculum and may submit to an evaluation on such terms, in addition to complying with other terms established herein. This requirement shall not be compulsory, but rather recommended for existing schools of the Department; schools, however, shall have to show they are capable of carrying out its programs.

4. To include an academic improvement plan with goals, teaching strategies, and programs of study to be implemented by the Certified Educational Entity in accordance with the applicable state and federal legislative requirements.

5. To include a plan to be implemented by the Certified Educational Entity for the improvement and maintenance of the physical facilities of schools.

6. To include an Intervention Model, providing in the Charter for the disciplinary policy of the Certified Educational Entity guaranteeing the due process of law. Such policy shall be delivered to parents, guardians, or custodians at the beginning of the school year.

7. When an existing public school is converted into a Partnership School, it shall be clearly established whether the grade levels offered in accordance with the Charter shall be modified. The school shall be required to serve all of the students who were enrolled in the school prior to the granting of the Charter.

8. To stipulate that if the school receives applications that exceed the number of available spaces and after complying with the provisions of Section 12.03(e), said spaces shall be filled by students selected through a lottery in accordance with the procedure and the exceptions provided in this Chapter.
9. To establish the requirements or qualifications applicable for school admission. The schools authorized by a Charter shall not establish minimum admission requirements, such as grade point average; said schools, however, may require certain qualifications as are reasonably necessary to carry out the school’s mission, insofar as they comply with applicable state and federal laws. It is hereby provided that such qualifications may not be established so as to discriminate against students with disabilities.

10. To guarantee the fiscal, operational, and administrative autonomy of schools operating in accordance with the Charter and the permits of the Certified Educational Entity in order to receive additional funds for the school through grants or other proposals or mechanisms allowed by law for uses that inure to the educational benefit of the school.

11. To include a budget proposal for the term of the Charter as well as a description of the annual financial audit.

12. To require that the financial statements of the Certified Educational Entity be audited annually by an independent certified public accountant; establish the requirements for such audit and the filing thereof with the Authorizer. Upon filing with the Authorizer, every financial audit shall be made available for public inspection and published on the Department’s website.

13. To stipulate that the Certified Educational Entity and the school or schools authorized under the Charter shall be subject to the evaluation process and the audits prescribed by the Secretary or required by law in order to guarantee that the terms and conditions of the Charter and the applicable legal requirements are fulfilled.
14. To guarantee that any Partnership School has libraries administered by the necessary teaching staff duly certified by the Department, with business hours that provide easy access to students, teachers, parents, and the community in general. Libraries shall have printed resources and technological equipment and broadband Internet to access different sources of information.

15. All other reasonable requirements established by the Authorizer to further the public policy of this Act.

b. The Charter shall also include provisions on performance within a performance framework that clearly sets forth the indicators, measures, and metrics for academic and operating performance that shall govern the Secretary’s evaluation of every school authorized by the Charter.

The Secretary shall be responsible for the collection, analysis, and reporting process of all evaluations and other state information sources in accordance with the annual performance framework. It shall be required that all student performance data be classified into larger subgroups, by gender, race, poverty level, special education, English language proficiency, and outstanding student, among others.

c. The Secretary shall continue monitoring every Partnership School’s performance and compliance with the law, including the collection and analysis of data to support ongoing evaluation, in accordance with the Charter. The Secretary shall be empowered to conduct oversight activities that allow him to fulfill his responsibilities in accordance with this Act, including any request for information or investigation, insofar as they are consistent with the terms and conditions of the Charter.

d. The Secretary shall publish an annual performance report of each Partnership School on the Department’s website.
e. Every Charter shall be granted for an initial five (5)-year term and may be renewed for consecutive terms of up to five (5) years. The Secretary shall specify the term of each renewal, based on the performance, demonstrated capacities, and particular circumstances of the Partnership School. The Secretary may grant renewal with specific conditions for necessary improvements to a Partnership School.

f. The Charter may be revoked or not renewed at any time if the Secretary determines that the Partnership School did any of the following:

1. Committed a material and substantial violation of any of the terms, conditions, standards, procedures, or report requirements provided for in the Charter or this Act;
2. Failed to meet or make substantial progress toward achieving the performance expectations set forth in the Charter;
3. Failed to meet generally accepted standards of fiscal management;
4. Violated any provision of this Act or any other law from which the Partnership School had not been exempt;
5. Discriminated against any student or teaching staff; or
6. Failed to comply with the payment of employees, contractors and/or suppliers following the rules established by law.

g. The Secretary shall establish the evaluation procedure for Partnership School renewal that allows them to furnish supporting evidence enclosed with their renewal application, including a description of the improvements made, if any, and any school plans to continue operating as a Partnership School.
h. Before a Partnership School closure determination, the Secretary shall develop a Partnership School closure protocol to ensure timely notification to parents, guardians, or custodians, orderly transition of students and records to new schools, and the proper disposition of school funds, property, and assets in accordance with the requirements of this Act. The protocol shall specify the actions, deadlines, and entities responsible, and establish the responsibilities of the school and the Secretary, respectively. If a Partnership School closes, the Secretary shall oversee and work with the closing school to ensure a transparent and orderly closure and transition for students and parents, guardians, or custodians, as provided in the closure protocol. Moreover, the school assets shall be distributed in order to, firstly, cover the payment of school employees’ salaries; secondly, pay creditors; and, thirdly, be transferred to another Partnership School or the Department of the Treasury to be deposited in the general fund. If the school assets are insufficient to pay all of the parties to which compensation is owed, the prioritization of the distribution of the assets shall be, firstly, for the payment of school employees’ salaries, and any balance thereof shall be determined by decree of a court of justice.

Section 13.08.- Teaching and Non-teaching Staff.

a. Teaching and non-teaching staff working in a school administered by the Department that becomes a Partnership School may participate in interviews and evaluations in order to receive a job offer from the Certified Educational Entity that shall operate and administer the school. The employees of the Department who receive and willingly accept a job offer from the Certified Educational Entity shall become employees thereof. The Department shall authorize a leave without pay for a term of two (2) years for such employees. The Certified Educational Entity shall guarantee the salary schedule and the fringe benefits held by teachers, teaching and non-teaching staff with the Department prior to accepting the job offer. Provided
that, after two (2) years, the salary shall not be reduced if the teacher remains in the Partnership School; however, this shall not apply to any fringe benefits not provided by the Partnership School. Any contribution to the Commonwealth of Puerto Rico Teacher’s Retirement System shall continue to be collected at the request of the teacher and immediately remitted to the System. If the employee wishes to continue working in the Partnership School upon the expiration of the authorized license, he shall submit his resignation to the Department. If the employee fails to return to the Department immediately after the expiration of the authorized license or fails to submit his resignation, it shall be understood that such employee resigned to the position held before the authorization was granted.

b. All Partnership Schools shall offer health insurance to all employees of Certified Educational Entities.

c. Certified Educational Entities that establish new schools shall be responsible for the recruitment, hiring, training, and evaluation of its teaching and non-teaching staff. Such staff shall become employees of the entity that operates as their employer and shall not be deemed to be employees of the Department; therefore, the laws and regulations of the Department shall not apply to them. This subsection shall not apply to teachers, teaching and non-teaching staff that avail themselves of the leave without pay authorized under Section 13.08(a) of this Act, who shall comply with the laws, regulations, rules, and norms that govern leave without pay within the Government of Puerto Rico.

d. Teaching staff in Partnership Schools shall be subject to the same certification requirements applicable to teaching staff in other schools under the jurisdiction of the Department.

   a. A Certified Educational Entity shall have the option of establishing savings accounts for all or some of its qualified teaching staff and all or some of its non-teaching staff, pursuant to Federal Law, 26 U.S.C. §401(k).

   b. If the teaching or non-teaching staff of a Partnership School made contributions to the Teacher’s Retirement System or the Retirement System for Employees of the Government of Puerto Rico, as employee of the Department prior to becoming an employee of the Certified Educational Entity, and such Certified Educational Entity establishes a savings plan in accordance with Federal Law, 26 U.S.C. §401(k), said employee may choose between continuing to be enrolled in his retirement system under Act No. 106-2017, known as the “Act to Guarantee Our Retirees’ Pensions and Establish a New Defined Contribution Plan for Government Employees” or enrolling in the savings plan offered by the Certified Educational Entity. To such effects, if the employee chooses to continue to be enrolled in his current retirement system, the Certified Educational Entity shall continue to make the corresponding deductions pursuant to Act No. 106-2017.

Section 13.10.- Number of Partnership Schools.

   It is hereby provided that the number of Partnership Schools shall not exceed ten percent (10%) using as a basis the total number of public schools that are operating as of August 15, 2018. The Secretary shall further the implementation of this project for fiscal year 2018-2019.

Section 13.11.- General Provisions on Partnership Schools.

   a) Every Partnership School shall conduct a school enrollment lottery not later than April 15 for the semester that starts in August if the number of applicant students exceeds the number of available spaces. Said date shall be
published on the website of the Department and notified to the parents, guardians, or custodians of enrolled students with at least fifteen (15) days before such lottery is conducted. Students who apply for school admission after the lottery date shall be placed on a waiting list.

b) Students enrolled or selected through the lottery shall be enrolled in the school and may remain there in the future. Every year, before the date of the lottery, parents, guardians, or custodians shall notify whether the student shall remain in the school the following school year.

Partnership Schools shall be free of charge and shall be open to every child, regardless of their academic abilities or needs. It is hereby provided that, at least two (2) Partnership Schools shall be established per educational region if there are interested parties.

CHAPTER XIV: SCHOOL CHOICE PROGRAM

Section 14.01.- Creation of Program.

The Department’s School Choice Program is hereby created in order to allow parents, guardians, or custodians who participate in the Program to choose the public or private school of their preference and, therefore, obtain a voucher for such purposes to facilitate the decision-making process of said parent, guardian, or custodian. The Secretary shall create the Office of the School Choice Program and allocate the resources to address all matters pertaining thereto.

The Office shall address all matters of the Program including any pertinent qualifications and the requirements that shall be met by private schools and universities that participate in the Program. The Secretary shall promulgate regulations as are necessary to establish a fair and objective adjudication process.

Furthermore, the Office shall have the following duties and powers:

(a) To implement and administer the Program.

(b) To determine the amount of Vouchers to be issued.
(c) To analyze and make recommendations for: earmarking funds for this Program; determining the amount of money of each voucher to be distributed according to the available funds; and distributing and delivering vouchers. Said voucher shall not exceed eighty percent (80%) of the total per-student budget allocation.

(d) To advise the Secretary on the evaluation criteria to be established and the issuance process to be used in the Program in accordance with the public policy set forth in said Act.

(e) To evaluate the Program at least once a year and submit recommendations to the Secretary on the development thereof.

(f) To discharge any other duties as assigned by the Secretary.

Section 14.02.- Eligibility.

Public school or Partnership School students who apply for admission to a private school or private school students who apply for admission to a public school and who meet the requirements established in this Act and those prescribed through regulations for each of the Program modalities shall be eligible for the benefits of the Program. The Program shall be available from the second grade and any benefits thereof shall be provided at the beginning of each school year. Up to three percent (3%) of the total of students enrolled in the system each school year shall be eligible for said program.

The school choice Vouchers, whether for students of the Public Education System or of private schools, may be requested by the students’ parents, guardians, or custodians to the schools that participate in the Program and that, in turn, are chosen through their independent decision-making process.

The Program shall have five (5) types or modalities:

(a) Public school choice for public schools students;

(b) Public school choice for private school students;
(c) Private school choice for public school students.

(d) Advance placement for gifted and talented students who take college-level courses and earn credits toward both a university degree and a high school program; or

(e) Private school choice to provide reasonable accommodation to a special education student to whom the Department has failed to provide the means necessary to achieve his academic goals as provided in the applicable state and federal laws.

Section 14.03.- Procedure.

The granting of Vouchers for subsequent years shall be subject to the student’s fulfillment of the academic achievement requirements established by the school, which in no case shall be different from those established for students who do not participate in the Program, and of the household income requirement prescribed through regulations. Provided, further, that Voucher beneficiaries should have studied at least two (2) years in a public school.

Section 14.04.- Talented Students.

The Vouchers issued to talented students for advance placement education shall be governed by the preceding Section, except in matters pertaining to the household income requirement.

Section 14.05.- Pilot Program.

This Program is hereby instituted on an experimental basis. The Secretary shall determine the areas where said Program shall be tested and the way it may be gradually expanded, establishing that it shall be done equitably among all educational regions. Upon such determinations, the Secretary may consider the following factors: the student population in the areas, the number and the capacity of public and private schools in said areas, as well as other variables that promote the best use of resources. It is hereby provided that not more than three percent
(3%) of the budget allocated by the Department according to the per-student allocation for each fiscal year, that is, seventy percent (70%) intended for direct student services, shall not be used.

Section 14.06.- Rulemaking Authority.

The Secretary is hereby empowered to issue orders or resolutions, or make determinations as are necessary to fulfill the purposes of this Chapter and to carry out fiscal and operational audits when deemed convenient for the best operation of the Program. The Secretary shall be also empowered to adopt rules and regulations as are necessary to implement the provisions thereof, ensuring that the regulations adopted do not interfere or impair in any manner whatsoever the operational autonomy and academic freedom of private schools, and that are consistent with Act No. 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act.”

Section 14.07.- Program Budget.

The Department shall evaluate and recommend the necessary funds to defray the expenses related to the implementation of this Chapter and that shall be set aside annually in the Department’s General Expenses Budget. The administrative expenses of the Program shall be defrayed using not more than two percent (2%) of the funds appropriated thereto. The funds of the Program shall be allocated among the five (5) modalities thereof in accordance with the demands for each of them.

The Office of the Comptroller may examine, review, oversee, and audit any documents, papers, or records related to the Program of any participating private school or university, in order to ensure that the resources received through the Vouchers have been used pursuant to the provisions of this Chapter.
Section 14.08.- Program Eligibility Criteria.

In order to determine the eligibility for a Program Voucher, applicants who meet the following criteria shall have priority:

a) Low-income according to federal rules;
b) Students with severe disabilities;
c) Children who are adopted, living in shelters or foster homes;
d) Students who are victims of bullying or sexual harassment;
e) Gifted students;
f) Any other, using the student’s grade point average in ascending order giving priority to students with poor academic performance.

Provided, that every student participating in the Program shall show satisfactory academic progress and/or a considerable improvement in cognitive and metacognitive abilities in order to continue to be eligible for the Program.

Section 14.09.- Penalties.

Any person who, by itself or through an agent, violates the provisions of this Chapter or the regulations adopted thereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a term not to exceed six (6) months, or by a fine not to exceed five thousand dollars ($5,000), or both penalties at the discretion of the court. In the case of embezzlement or misappropriation of public funds, the penalties established in Act No. 146-2012, as amended, known as the “Penal Code of Puerto Rico,” and any other applicable federal or state law shall be applied.

CHAPTER XV: OTHER PROVISIONS

Section 15.01.- Participation in Political Activities.

Officials and employees of the Public Education System shall be entitled to participate in partisan political activities insofar as such activities take place outside of the respective work schedule or work hours of the Public Education
System and outside of the facilities and grounds of the Department. Department officials and employees, regardless of their position, function, classification, or type of appointment, shall refrain from performing the following acts within the facilities or grounds of the Department during work hours:

a. To exhibit political party or organization insignias, logos, or emblems;

b. To form groups or organize activities to support or reject political parties or organizations, or candidates or persons participating in an electoral process;

c. To distribute and disseminate propaganda related to a political process or an election.

Any violation of the provisions of this Section shall be deemed to be professional misconduct and constitute sufficient cause for the corresponding disciplinary actions under the provisions of this Act or of any other applicable law or regulation.

CHAPTER XVI: GENERAL FINAL PROVISIONS

Section 16.01.- Transitory Provisions.

Within a term not to exceed ninety (90) calendar days from the date of approval of this Act, the Department shall begin any necessary, appropriate, and convenient administrative actions to eliminate the district offices of the Department and distribute its functions, property, and staff among the new Regional Offices of Education and the central level, as the Secretary deems necessary in order to achieve the purposes of this Act, recognizing at all times the vested rights held by teachers prior to the approval of this Act.

Current regulations, orders, resolutions, circular letters, and other administrative documents of the Department shall remain in effect insofar as these are compatible with the provisions of this Act, until they are amended,
supplemented, repealed, or rendered ineffective by the pertinent party in accordance with the duties and powers set forth in this Act.

Career and/or regular employees of eliminated districts and offices shall remain employees of the Department and shall be relocated in a term not to exceed ninety (90) days from the approval of this Act. The provisions of this Act may not be used as grounds for the dismissal of any employee in a regular or career position. Moreover, the Secretary shall have the power and discretion to assign transferred employees to any Department area in accordance with the needs for service continuity, insofar as said relocation is not onerous for the employee. Provided, further, that they shall be given high priority in the municipality where they reside or within the School District to which they belong.

Every case that is pending resolution and adjudication before the Public Service Appeals Commission (PSAC) as of the date of approval of this Act shall be transferred in accordance with the provisions of Section 13.02 of this Act.

Section 16.02.- Reports.

Not later than ten (10) days after the end of the semester, the Secretary shall file a report per school semester with the Legislative Assembly, through the Office of the Clerk of the House and the Office of the Secretary of the Senate, regarding the implementation and progress of the purposes established herein. Such report shall include, but not be limited to, the following: i) number of schools; ii) number of students enrolled; iii) amount of per-student expenditure; iv) students’ academic progress; v) number of teachers; vi) fiscal status; and vii) schools’ operating status.

Said report shall include the aforementioned information for public schools and Partnership Schools, separately.
Section 16.03.- Rulemaking Authority.

The Secretary is hereby empowered to promulgate the regulations necessary and required herein pursuant to the provisions of this Act and any other applicable law.

It is provided further that the regulations to establish the curriculum of the Public Education System shall be submitted for approval to the Legislative Assembly. The Legislative Assembly shall have thirty (30) days to approve or reject such regulations. Once such term elapses and the Legislative Assembly has not acted on it, such regulations shall be deemed to be approved tacitly.

Section16.04.- Amendment to the Retirement Systems Act.

The definition of the term “Public Enterprise” in Section 1-104 of Act No. 447 of May 15, 1951, as amended, is hereby amended to read as follows:

“Section 1-104.- Definitions.

The following terms and phrases, as used in this Act, shall have the meaning stated below, except when the context clearly indicates otherwise:

(1) …
(2) …
(3) …
(4) Public Enterprise.- Shall mean any government instrumentality of the Government of Puerto Rico heretofore or hereafter created. It shall, however, not include those subsidiary enterprises of government instrumentalities whose employees, in the judgment of the Board of Trustees of the Retirement System, do not have a clear employee-employer relationship with the Government of Puerto Rico. Any official or employee who is a System participant and becomes or has become an official or employee of a subsidiary enterprise of any public enterprise without interruption in service shall continue to have the same rights and privileges as System participants, even if said subsidiary enterprise is not covered by the
System; it being understood that the necessary employer contribution shall be made by the subsidiary enterprise in accordance with the provisions of this Act. This definition shall include every nongovernmental organization certified as a Certified Educational Entity and granted a Charter in accordance with the “Puerto Rico Education Reform Act.” However, only those employees of the Certified Educational Entity who were non-teaching staff of the Department of Education and who started working in the Certified Educational Entity during the school transition, pursuant to the Charter granted under the Puerto Rico Education Reform Act, may be System participants. Subsections (a) and (b) of Section 1-110 of this Act shall not apply to a certified nongovernmental organization that was granted a Charter in accordance with the ‘Puerto Rico Education Reform Act.’

…”

Section 16.05.- Repealing Clause.

Act No. 149-1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico,” and Act No. 71-1993, as amended, known as the “Educational Vouchers and Free Selection of Schools Act,” are hereby repealed.

Section 16.06.- Legal Standing.

This Act recognizes the fundamental right of students, parents, guardians, and custodians to a public education which shall be directed to the full development of their personality and to the strengthening of respect for human rights and fundamental freedoms under the Constitution of Puerto Rico; and sets forth and reaffirms the legal standing of students, parents, guardians, and custodians to claim, demand, and uphold this right in court. Since all Partnership Schools are part of the Public Education System of Puerto Rico, said right shall protect students, parents, guardians, and custodians of such schools.
Section 16.07.- Effectiveness.

This Act shall take effect immediately after its approval, except the School Choice Program established in Chapter XIV, which shall be ready to start operations by fiscal year 2019-2020.
CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 85-2018 (H. B. 1441) of the 3rd Regular Session of the 18th Legislative Assembly of Puerto Rico:

AN ACT to adopt the “Puerto Rico Education Reform Act,” in order to establish the new public policy of the Government of Puerto Rico on education; review and develop, through consensus, and critical and careful analysis and research, the new philosophical, psychological, and neuroscience framework that shall serve as the basis for the education system of Puerto Rico in order to address present and future needs of our society; reformulate the education system to place students at the center of education; draw up a budget based on the average per-pupil expenditure to guarantee uniform per student funding; [...] has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 13th day of June, 2018.

Orlando Pagán-Ramírez
Director